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ORIENTAL AMERICA
— AND —
ITS PROBLEMS

THEODORE W. NOYES

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ORIENTAL AMERICA

AND

ITS PROBLEMS

BY

THEODORE W. NOYES



WASHINGTON, D. C.
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PREFACE

The keen public interest in things Philippine aroused by the naval victory of Cavite in the war with Spain has not been permitted to die out in accordance with custom and precedent, but through a succession of stimulating renewals is unmistakably alive and conspicuously in evidence today.

Military operations in the islands against the Tagalogs have involved the transfer to the Asiatic tropics of thousands of Americans, upon every one of whom have been focused the hopes and fears of men and women on this side of the world. War associations have attached to the Philippines, not only vividly pictured in the memory of the soldier himself, but also indelibly impressed upon the home circle, whose members have followed with mingled pride and apprehension every step of the loved one amid strange perils in a foreign land.

Such problems as those presented by the once dominating Spanish friar with his vast land holdings in Luzon, by the invader Chinaman threatening the Filipino's means of support, by the Malay at once pliable and treacherous, by the Mahometan Moro with his incidentals of polygamy and slavery, and those arising in the course of the gradual development of civil administration and self-government in a tropical archipelago, all combine to furnish a novel and fascinating study to Americans.

In the battle which raged over the issues of anti-imperialism and anti-expansion in the hotly contested presidential campaign of 1900 the Philippines were kept constantly on the firing line.

Public attention has been further attracted by the verbal clash of elaborate and able argument in the insular tariff cases, and by the decisions of the United States Supreme Court in May and December, 1901, defining the status of this appurtenant territory of the United States, its relations to the republic, and the powers of Congress in respect to it.

The national legislature, spurred to action by the Supreme Court's December decision concerning the status of the archipelago, has during the Fifty-seventh Congress carefully considered and finally announced its tentative solution of the problem of the wisest and best present treatment of our Asiatic territory. The democratic party in Congress has joined issue with the administration's Philippine policy, and has declared renewed allegiance to the anti-imperialism doctrine of the Kansas City platform. President Roosevelt has made the Fourth of July a notable day in Filipino annals by proclaiming on that date in 1902 the end of the war, the extension of civil government to all the Christian provinces of the archipelago, and amnesty for Filipino political offenders.

From the beginning of the war with Spain down to the present day in the spring of 1903 all sorts and conditions of Americans—trade expansion-

ists, territorial expansionists, anti-imperialists, statesmen and politicians of every variety of opinion, men and women especially interested in the American soldier, merchants, missionaries and "jingoes"—have been, and continue to be, attentive and, in many cases, anxious observers of every scene of the Philippines drama now in course of development.

This book will deal with Oriental America in its above-suggested phases of public interest. The reader will make a New Year call of January 1, 1900, upon the military governor of the Philippines at the old Spanish official palace in the walled city of Manila, and will learn from General Otis the conditions of the archipelago at that interesting period. Running the gauntlet of train-wrecking insurgents he will take a trip over Luzon's only railway, shortly after it had fallen into American hands through Aguinaldo's withdrawal in haste from his last publicly designated capital at Tarlac. He will inspect Manila, and steam up the Pasig River and upon Laguna de Bay and review our gunboat navy, immediately after its final capture of Santa Cruz. He will journey on a transport through the Visayan and Moro Philippines, visiting the sultan of the Sulu archipelago, and touching also at Iloilo in Panay and at Zamboanga in Mindanao.

In search of pertinent precedents for the wisest solution of the Philippines problem the reader will then visit and study conditions in Java and Ceylon, to the end that the lessons taught by the experience of the Dutch and English islands may guide Luzon's footsteps in safety over a difficult path.

A discussion of various phases of the issue of anti-imperialism, as it figured in the presidential campaign of 1900, and an analysis of the Supreme Court's insular tariff decisions, and of the status of American "appurtenant territory" thereby created, follow in succession. In conclusion a review of the legislation of the Fifty-Seventh Congress affecting the Philippines and of the discussions in and out of Congress over the paramount issues of the archipelago in 1902 and 1903, presents for full and thoughtful consideration the interesting and vitally important question of the wisest national policy to be pursued in governing, developing and guiding the archipelago.

Many chapters of the book are reprints, wholly or in part, of extracts from editorial correspondence and articles that have appeared in the *Washington Evening Star*, based largely on travels in the Philippines, Java and Ceylon in 1899-1900.

The American problem in the orient exists today in its essentials as undetermined as in 1900; and much of the discussion of that year needs only additions of corroborative fact and recently developed evidence to bring it to date. These supplements have been added, either in separate chapters or in notes to the reprinted portions of the original correspondence.

Very clearly the anti-imperialism and anti-expansion campaign in

America is not ended. The decisions of the Supreme Court leave the retention of the Philippines an open question. Appurtenant territory is at the disposal of Congress. The anti-imperialists have announced that they do not surrender. The democratic party in Congress has committed itself afresh to the program of abandonment of the Philippines after the institution of stable government there. A series of disappointing failures in the extension of civilian control to the provinces; a new crop of outbreaks by guerrilla insurrectos, suggesting widespread native hostility and treachery; a blunder in the handling of the friar question in Luzon which would set the people aflame in revolt as in the old days of Spanish rule; a false step (easily enough made) in Moroland, wounding religious sentiment among the fanatical Mahometans, and driving the ex-pirate chiefs and their followers into a protracted war—such happenings (by no means impossible) would inevitably result in the quick promotion of anti-imperialism to the dignity of the paramount political issue, and in another national battle of ballots over the retention of the Philippines. Indeed, even without the invitation which would be furnished by the occurrence of any of the above-suggested events, an active faction of the democratic party evidently wishes to renew in 1904 the former struggle of 1900.

It is hoped that this book may in some degree aid in the adoption and constant maintenance by the republic of that policy in the orient which will result in the winning and retention by America of commercial supremacy in the Pacific without degradation of the national conscience or lowering of national ideals—a policy which shall make the welfare of the people of the islands the primary purpose of the American government of the archipelago and the test of its success. The development of the Philippines into a valuable national asset in our commercial and business relations with the world can be accomplished only through an exploitation which applies to people as well as to soil, and which brings prosperity to both. American welfare in the orient and that of the Filipinos coincide and are promoted together. The records of Java, and, indeed, of all Asiatic colonizing experiences, teach that the nation cannot permanently and with success selfishly separate its interests from those of its tropical islands, but must profit by sharing in the local prosperity which in co-operation with the Filipinos it will create and increasingly develop.

For the national credit and welfare it is hoped that this chapter of our history may display to the world a unique and interesting experiment of successful co-operation between Anglo-Saxon and Malay, American and Filipino, in the promotion of profitable trade, in the highest development of the resources of a section of the tropics, and in the notable advancement of an Asiatic people, not merely in material prosperity, but primarily and conspicuously in Christian civilization, in personal liberty and in intelligent and progressive self-government.

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ORIENTAL AMERICA

AND

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CHAPTER I

LUZON IN 1900

A Chat with the American Military Governor in the Old Spanish Official Palace—Views of General Otis—Conditions and Problems—Chinese Invaders and Dominating Friars—Threatening to Monopolize Labor and Land—Conspicuous Filipinos and Their Characteristics—Difficulties of Military Operations—American Patience Needed.

MANILA, P. I., January 1, 1900.

Among my New Year calls of 1900 was a visit to the busiest man in the restful tropics and one of the busiest men in the whole world. The duties and responsibilities which burden the commanding officer of the American army in the Philippines and the military governor of the islands are almost crushing in their weight. Military operations here involve the direction of a force of 65,000 men, so scattered as to cover numerous points in the vast area of the Philippines and confronted by varying conditions in the different islands. When distances and difficulties of transportation and numbers of men equipped and moved are considered, this American expedition into tropical Asia ranks among the most notable in military history. Civil administration as governor involves the task of creating a sound and wholesome system adapted to existing conditions and of gradually substituting it for that against which the people have revolted, and, in the interval, in order that anarchy may not exist, of enforcing with absolutely essential modifications the old Spanish laws and customs.

The combined general and governor has been beset at one time or another, simultaneously or in succession, not only by the insurgents, but by our own impetuous volunteers, who, under the impression that the war was over and anxious to get home, developed (until the situation was made clear to them) the possibility that the republic might be left without an army at the time when one was most needed. Uncle Sam has performed the difficult maneuver of "swapping war horses mid-stream." The governor was beset also by the strong foreign mercantile firms located in Manila, who resented the limitations upon their trade necessarily imposed by the war. He was pulled this way and that by

persons with axes to grind and jobs to develop. He had to create a judicial system, and to assume some of the functions of a law giver, compelled to enforce the confused Spanish laws while striving to codify, correct and revise them in gradual preparation for the substitution of a modern and American system. He had to become the taxgatherer of an empire, sitting at the receipt of custom, enforcing Spanish internal revenue and customs laws, and studying them carefully in order that through judicious modifications a reasonable and honestly administered system might be evolved. He had to create local civil governments and an educational system, with hardly an atom of foundation upon which to build. Too often the labor set by the Egyptian of making bricks without straw was imposed upon him.

General Otis has attacked the task set for him conscientiously, self-sacrificingly, and with a tremendous capacity for hard work. A fourteen-hour day, instead of one under the eight-hour law, represents his period of labor.

New Year did not mean a holiday for the military governor, but it relieved the pressure upon him, so that I was enabled, in the course of a long conversation, to secure from him interesting statements concerning conditions and prospects in the islands. His official headquarters are in the palace of old Manila, on the plaza, next to the cathedral, at the very heart of a walled city, apparently whisked from the surface of southern Spain by some Arabian Nights process and set down in the tropics—with its moat and bastions and its narrow, gloomy streets, showing, on the building line, the blank and forbidding walls of monasteries and convents or the plain, uninviting exteriors, broken only by cage-like, projecting balconies, which bar sight of and entrance to the spacious and attractive interiors of many Spanish homes.

To reach the office of the military governor, on the second floor of the palace, one enters an impressive vestibule and ascends a wide staircase dominated by a marble statue of Magellan, the Columbus and Captain Cook of the Philippines.

Questioned concerning the promise of the new year for the Philippines, General Otis said:

THE YEAR'S OUTLOOK.

"The year opens with favorable conditions and prospects. There is no actual war in the modern sense anywhere in the islands. Fighting the Filipinos is not even the most important military problem. Transporting and feeding and caring for our soldiers constitute the great task. Wherever and under whatever condition the enemy is struck he is scattered. The military campaign is working itself out slowly but surely to an inevitable conclusion. In Luzon, north of Manila, there is no longer any organized army of insurgents; the outlaw element of that army is dispersed in small bands, whose offenses of murder and robbery against their own people are bringing them under the ban of Filipino public sentiment and are causing information to be lodged against them by the natives so that their destruction or conversion into permanent 'amigos' is a matter of course in a reasonable period.

"While I may not speak definitely of projected military movements, it is certain that during the dry season the same process of dispersion and compulsory disintegration which has been applied to the insurgent forces north of Manila will be extended to the entire island, including Cavite

and adjacent provinces, where the last considerable concentration of fighting Tagalogs is being effected.

AMERICAN PEOPLE SHOULD BE PATIENT.

"Patience should be a prominent feature now of the public attitude toward the military campaign. A very trying period both for the soldiers and the people has been reached. A misunderstanding of conditions here will easily lead to unreasonable criticism. It is to be remembered that the Filipinos no longer face the American soldiers. If they are in danger of being cornered they hide their arms and appear in peaceful white as the most conciliatory of amigos. The Spanish method was not only to kill insurgents caught in arms, but to devastate the offending district and to shoot down on suspicion these nominal non-combatants. American public sentiment would not permit a duplication of this method. Filipinos captured while bearing arms are relieved of their rifles and after a period of detention are released. It does not pay us to keep them and care for them. The Filipino military need is not men, but arms and ammunition. Tagalog armed opposition seems to dissipate as our force approaches, but as that force passes by or withdraws the Filipino bandit reappears, and if our soldiers return to the starting point instead of pushing forward he celebrates a victory. This kind of warfare is exasperating to the soldiers, and from its apparent unproductiveness of results arouses the impatience of the public. Two or three regiments could march anywhere in Luzon and destroy everything which Aguinaldo could oppose to them. While the real war is over, the need of a large and vigilant army here has not passed. The process of weeding out the robber bands will be slow and tedious, but the result is sure.

NATIVE CONFIDENCE INCREASING.

"With an increased cavalry force, with a steadily enlarging knowledge of the topography of the islands, with a vigorous, pushing policy on our part, and with a decrease of Filipino sympathy for the robber bands, which, flying before the Americans, have brutally turned their weapons against their countrymen, the pacification of the islands will be hastened. Whole sections need only to be convinced of the permanence of American protection against the local banditti to co-operate heartily with us. They have been deterred, and are still to some extent, by the fear that after a while the American soldiers will be removed to some other point and that they will be exposed to the murderous fury of the cutthroats who are threatening with death all who show a friendly spirit toward Americans. The contrast between our conduct toward the people and that of Spanish or insurgent soldiers is appreciated and confidence in us is steadily increasing. Insurgent leaders themselves while in the field have placed their families in the security of American protection at Manila.

MILITARY PROBLEMS MISUNDERSTOOD.

"Misunderstanding of the conditions here and lack of knowledge, to be obtained only by presence on the ground and by a general view of the whole situation, have caused criticism of the apparently purposeless policy of capturing and abandoning towns many times in succession. The vital point of attack was not the town, but the concentrating Filipinos, and not so much the Filipinos themselves as the arms and ammuni-

tion which they carried. Our comparatively small force, occupying a long, thin line, could not afford to permit the enemy to concentrate at any adjacent and threatening point, and was compelled to take the initiative and to strike wherever he showed a disposition to assemble in force. If the concentration movement was prevented, if the Filipinos were dispersed with losses, and arms and ammunition were captured, the action was successful, even though through lack of garrisoning force or on account of the undesirability of its occupation for military purposes the village of nipa huts at which the engagement occurred was not held after the Filipinos were chased out. With the increased force of soldiers now in the islands it will be possible to garrison and hold all points of strategic value."

"Must civil development await the complete destruction of the robber bands?"

CIVIL GOVERNMENT NEED NOT WAIT.

"No. The military operations have already reached the stage where their problems are surpassed in importance by those of civil administration. It is much to be desired that Congress should act promptly upon the President's suggestion in this respect, to the end that order may be evolved from chaos. The problem is to build up a structure republican in form upon an inadequate and unreliable foundation. The start upon substantially self-supporting municipal governments has been made, and at many points these are groping toward the light. The outline of a simple form of local government has been framed and put in practical operation wherever feasible. There is a steady, though slow, increase in the degree of Filipino co-operation in such governments. The mass of Aguinaldo's followers are young and irresponsible. Property owners of intelligence already sympathize with the Americans, but, as I have already said, they are in many cases terrorized by the Aguinaldists, who promise death to them as soon as the Americans retire. With the garrisoning of the towns this fear will be dissipated, and the progress of civil government, of education, and of the reign of reasonable and fixed law will then be hastened. American protection, schools and local self-government will go hand in hand. There are many intelligent Filipinos, in whom I have the fullest confidence as the developers of the future of the Philippines under the protection and with the inspiration of the spirit of the great republic.

TRADE TO BE FOSTERED.

"An important civil problem has been to preserve and foster the trade of the islands so far as consistent with successful military operations. All of northern Luzon, including the tobacco region tributary to Aparri, is now open to trade, and today the embargo has been removed from many ports of importance in the southern islands, including a few hemp ports. Pacification of Luzon south of Manila through military movements will soon open up this section also. Every effort has been made to interfere as little as possible with the natural flow of trade, but military necessities and the demands of commercial activity and prosperity are frequently at variance."

At this point in the interview a dispatch was brought to General Otis which stated that Aguinaldo's wife and sister had just been made prisoners in north Luzon, and that Aguinaldo himself was being

chased from ranchario to ranchario, with some prospects of his capture. Practically all of Aguinaldo's people are now in custody, and only his presence here is needed for a happy family reunion in Manila. Many of Aguinaldo's cabinet officers and his civil and military lieutenants have also been captured.

In response to a question concerning Aguinaldo's character and influence and the importance of his associates, General Otis said:

AGUINALDO'S CHARACTER AND INFLUENCE.

"Aguinaldo's prestige and influence with the Filipinos have been very great. Even now the lowest class endow him with superhuman attributes, including immunity from bullets, but his hold has weakened among the more intelligent Filipinos, and he has been denounced among them as a mountebank. From the time that he returned to Cavite in May, 1898, and became subject to Mabini's inspiration he had never the intention of co-operating faithfully with the United States, except in so far as the republic would be useful to him in holding Spain helpless while he worked his scheme of self-aggrandizement. Some of his associates were mere mercenaries; others were ambitious for power. Mabini was the master spirit, able, radical, uncompromising. He furnished the brains which made Aguinaldo's cabinet formidable. He was brought before me recently, paralytic and a prisoner. I offered him his freedom on parole not to stir up trouble; he hesitated and said: 'I have not changed my convictions.'

"I told him that I did not respect him the less on that account, and repeated the offer.

" 'I have no means of support; I cannot put my freedom to any use,' he replied.

"Buencamino is a professional turncoat, everything in turn and nothing long. He has been an officer in the Spanish army and was secretary of state in Aguinaldo's cabinet when he was captured.

"Paterno, who is not yet in custody, has played a curious role. He arranged the treaty by which Spain bought off Aguinaldo and his associates in the revolution of 1896. He demanded from Spain money and a title of Castile, prince or duke, as the price of his achievement. After the United States intervened he again appeared as the agent of Spain in a proclamation which pronounced monarchy the fitting government for the Filipinos, and advised them to side with Spain against America, recognizing Spanish sovereignty. Next after this tribute to monarchy he appeared as candidate for president of Aguinaldo's revolutionary congress and was elected.

LUNA, PILAR AND ARELLANO.

"Luna was a strong, determined character, an unyielding fighter, a general of considerable ability. The others were afraid of him. He was building up a power distinct from that of Aguinaldo. He was assassinated at the latter's quarters. Pio de Pilar is a robber. Leader of a gang of bandits before he became one of Aguinaldo's leading generals, he is now back in his old and congenial occupation. One of the ablest of the Filipinos is Arellano, who was Aguinaldo's first secretary of state, but withdrew after a short service, an unbeliever in Filipino independence. He is now the respected president of the Filipino supreme court established by the American government in Manila."

"Is it necessary or desirable to permit the Chinese to furnish the labor required to develop the Philippines?"

CHINESE LABOR UNDESIRABLE.

"No. The Chinese would flood the islands and destroy the opportunity for the development of the Filipinos which would arise from preserving for them a wide range of industrial employments. Though many thousands of Chinamen are settled in the islands, conducting business enterprises, both wholesale and retail, and employed also in the hardest form of manual labor, and though there has been considerable intermixture of the races, there exists an old hereditary prejudice between them, resulting often in bloodshed. The Chinaman can outwit the Filipino as a trader, but takes his chances of being robbed and murdered by the latter when the appeal is to brute force. This active race enmity is to be taken into account. But above all, in the interest of the Filipinos and of their development and material prosperity, the Chinamen should be prevented from coming here in large numbers. If our workmen in the United States need this protection, much more it is required by the prospective workmen among the people who own the soil of the American islands in the Pacific."

THE MONASTIC ORDERS.

One of the most important questions to be dealt with here is that of the relations of the monastic orders and the Filipinos. The charge against the former by the latter is that they have acquired large real estate holdings by fraud, and that, as the absolute masters by usurpation of the life, honor and property of the Filipinos, they have so used their power that they became the primary cause of the Philippine revolution. The Filipinos demanded and secured from the Spanish governor general, in the agreement of Biac na Bato, the promise of expulsion of the monastic orders from the islands. This is their primary aspiration. The indications have been that until this should be attained they would fight, whether Spain, the United States or Germany held the sovereignty of the islands. General Otis said in reply to a question on this point:

"This will be one of the most difficult questions of all to settle wisely and satisfactorily. Insurgent leaders, in order to keep alive hostility to Americans, have pictured us to their followers as the allies of the friars, determined to restore them to power, and have inaccurately represented me as an ardent Romanist in the power of the priests.

GENERAL OTIS AND THE FRIARS.

"In pursuance of instructions I tried to secure the release of the friars imprisoned by the insurgents, and I was accused on that account of being in partnership with the archbishop. The question of titles to real estate in the Philippines, whether claimed by ecclesiastics or laymen, will have, I believe, to be very thoroughly and exhaustively examined and studied, and this will be no quick and easy task. I do not believe that there will be confiscation by the government of any property held by the monastic orders or by anybody to which record title is perfect. So far as the return of the friars is concerned, the matter would seem to be really in the hands of the Filipino Catholics themselves. The friars are now practically expelled, and unless the Filipinos, undergoing a change of sentiment, assent to their return, it would seem that the

Roman Catholic Church, in its own interest, as well as for the welfare of the Filipinos, would see to it that the church's recognized representatives in the islands were not violently distasteful to the people whom they seek to guide."

AN ACTIVE CAMPAIGN IN SOUTH LUZON.

Before my departure from the palace further information was received concerning the concentration of insurgents in Luzon south of Manila, and an additional regiment was at once ordered to the point affected. A general movement southward, planned before General Lawton's universally mourned death, is about to be carried out under the immediate direction of General Bates, who is to succeed to General Lawton's command. There are three or four thousand insurgents now assembled and intrenched in Cavite province, and it is hoped, but hardly expected, that they will make a stand and give battle there. It is more likely, however, that the American sword will cut through a spectral, illusive figure, striking nothing substantial. General Bates has just performed the diplomatic feat, without firing a gun, of pacifying, temporarily, and during a crucial period, the southern islands of the archipelago, peopled largely by the Mahometan Moros. The amnesty proclamation, which will indicate the termination of actual war with the Filipinos as a people, will doubtless prepare the way for earnest efforts on our part to remove the spirit of distrust and hostility toward us from the Filipino heart by meeting and satisfying the reasonable aspirations of the people for relief from the burden of Spanish misrule, ecclesiastical and political, under which they have groaned for centuries and against which they have revolted.

CHAPTER II

LUZON IN 1900

A Trip on the Only Railroad in the Philippines—Carabao and Trotting Bulls—Rice, Sugar and Cocoanut Palms—A Train-wrecking Experience—Luzon Needs Absence of Friars and Chinese, and Presence of Schools and Railroads—A Talk With General MacArthur.

MANILA, P. I., January 24, 1900.

Rapid transit in Luzon is typified by the carabao or water buffalo, which furnishes the universal motive power for inland heavy transportation. The carabao is impressively big and exasperatingly slow. Æsop missed the mark when he selected the tortoise instead of the water buffalo as the representative of the slow-but-sure class to race against the hare.

Luzon boasts only one hundred and twenty miles of railroad, a large section of which has been until comparatively recently in the hands of the insurgents. Lacking a sufficiency of railroad and pack-mule facilities, the American army here has been compelled to utilize the carabao as the quartermaster's main reliance for inland movements, and in connection with every campaign large numbers of these animals have been impressed, many being taken without notice, but of course with compensation for use to their owners, from the streets of Manila.

Luzon's railroad is now in American possession, and army mules are arriving in numbers and dwarfing the little native ponies as much as their drivers do the average Filipino. Consequently the carabao may soon be relegated largely to private and domestic uses, and with a thorough railroad system to be constructed here through American capital and enterprise, the engine will be substituted for the water buffalo as the type of Filipino rapid transit in the new century.

In January, not many weeks after the capture of Tarlac, the clearing of the railroad line between Manila and Dagupan, and the running of trains by Americans over the entire route, I made this interesting trip, traversing one of the richest and most populous sections of Luzon, passing through the scene of the severest fighting that occurred in the Filipino outbreak, touching at several of Aguinaldo's successive capitals, and running the gauntlet of the bands of train wreckers and robbers into which the Filipino army in this part of Luzon has been disintegrated and dispersed.

UNCLE SAM RUNS A RAILROAD.

The Manila-Dagupan railroad is temporarily abandoned by its owners to the quartermaster's department of the United States army. Two trains are sent out every morning from each terminus, which are supposed to make the run to the other end of the line before night. One of the two trains, starting from each end of the line, is for the use of natives, with open and closed cars, freight cars, coal cars and box cars, anything on wheels that can keep to the track, all packed with Filipinos and their accompanying bundles and boxes. The other is the military train, carrying supplies, including distilled water in large cans for the different army posts, mails, officers and soldiers. Transportation is gratuitous on both trains, passes from the quartermaster's department

being the substitute for tickets. The running of the native train permits some slight resumption of trade and communication, and gives the Filipino cause to appreciate the value of having the line in operation and suggests the inexpediency of destroying the railroad property. The native train in every case runs ahead of the other, and thus to some extent guarantees the safety of the latter from wrecking, on the principle of Punch's plan of insuring against railway accidents by fastening two directors of the road to the cowcatcher of each engine. The groups of bandits into which the Filipinos still in the field in north Luzon are now scattered do not, however, make nice discriminations of nationality, and, as we found before the day was over, are apparently as ready to kill and rob their own countrymen as they are to destroy the Americans.

At nine o'clock, an hour after the departure of the native train, we started on our journey. An antiquated third-class car, labeled officers' car, supplies to the favored civilian passenger a seat, if one is unoccupied. The car is divided into four compartments, entered at the side, and the narrow wooden seats, facing each other, bring your knees in close contact with those of your neighbor opposite, and are hard and uncomfortable. About eight hours are required to make the run of one hundred and twenty miles when schedule time is observed, which does not often happen.

The deficiencies in the equipment of the road are due to the fact that nearly all of the old rolling stock lies in wreck alongside the tracks, twisted, burned, useless, a most conspicuous feature of the scenery as viewed from the train. When the Filipinos were compelled to abandon the railroad line they destroyed, as they thought, the rolling stock in their possession. They started engines under full steam toward each other on the same track, and relied on the collision to render them useless. They demolished vital parts of the engines, and they cut and burned the woodwork of the cars. But they did not make sufficient allowance for American mechanical readiness and inventiveness. Railroad men among our soldiers quickly straightened out and put together, patched and disfigured, but still available, enough of the rolling stock to serve to utilize the road for military purposes.

RICE FIELDS AND BATTLEFIELDS.

In leaving Manila the train passed through Tondo, the native nipa hut section of the city, where so many houses were burned at the time of the Filipino outbreak in February of last year. Some vacant spaces are still visible in the burned section, but the streets swarm with people and many of the huts have been replaced. Soon we are skirting Manila Bay, then passing through native villages, whose entire population, apparently, turns out to see and to shout at the moving train. Now we are among rice fields, where green ridges of raised earth inclose, restrain and give access to the flooded rice beds and spread over the landscape a symmetrical checkerboard.

Along the entire course of the railroad, and especially in the southern section, are frequent reminders of the Filipino outbreak. We pass village after village, where the Filipinos made temporary stands, assaulted and taken by our troops, and then abandoned, to be retaken later. Here are lines of insurgent trenches, and here the ruins of buildings destroyed in the fighting. The signs of such destruction are more painfully con-

spicuous than they were last April in Cuba along the line of the Habana-Matanzas Railway.

At Caloocan (a name which, like others to be mentioned, will be recognized as familiar by the careful readers of the war dispatches) we overtook the native train, whose engine had weakened in some way, and after a halt we went on ahead of it. Among the passengers in the native train were the coquettish Filipino wife of an American minor officer, who was himself traveling in the military train, and also the members of a native band from Calasiao, whose instruments of bamboo were ingeniously made and skillfully handled.

Now we are at Malolos, Aguinaldo's capital during his dictatorship, his period of glory and of high-sounding proclamations. At the station here, in addition to the omnipresent soldier and the native venders of hard-boiled eggs, bananas, cakes, water, beer and ginger ale, was a long line of Filipino vehicles to convey visitors to the main village.

FUNSTON DID NOT SWIM.

We cross the river at Calumpit, the scene of Funston's exploit. We know now positively, however, that the hero of the occasion did not swim the stream. The historic painting must picture him, like Washington crossing the Delaware, as the central figure on a boat or raft. The result will be more artistically effective, as well as more approximately truthful, to substitute for the dripping, struggling form of the swimmer the erect figure of the American officer, wrapped, perhaps, in the stars and stripes, with one hand on his heart and the other pointing unflinchingly to the opposite shore, while the fire of a high and determined purpose gleams in his eagle eye.

The streams crossed at frequent intervals along the entire route are in most cases tributaries either of the Rio Grande de Pampanga, which flows southward into the Bay of Manila, or of the Rio Agno, which flows northward into Lingayen Gulf. They furnish their share of obstructions to the northern march of the American soldiers in conjunction with the swamps and bottomless mud of the rice region, and the expanses of stiff grass farther north, which often stretched higher than a man's head, and which so resisted passage that to force a way through them for any considerable distance was exhausting even to the strongest.

COLD-BLOODED MURDER OF PRISONERS.

At Angeles, where General Grant is stationed, the north-bound and south-bound trains cross, if nothing has happened to either of them to interfere with the schedule. The officers and soldiers at this station were excited and indignant over the murderous action of a large band of Filipinos, whose refuge was in Mount Aryat, which loomed up apparently close at hand across the plain. During almost the entire railroad trip this mountain dominates the scene, as Mount Shasta does in the eyes of the traveler traversing northern California. The Filipinos collected on Mount Aryat had just been attacked by an American expedition, and, before running away, had taken out and slaughtered five American prisoners, captured stragglers picked up by them individually and separately.

The country traversed by the railroad is wonderfully fertile, capable of producing large crops and of sustaining a vast population. At first come the rice fields, then the land of the sugar cane and of cocoanut palms, to which are later added stretches of pasturage and the home of

the Luzon trotting bull. Still farther north than the terminus of the railroad is the tobacco-growing section, and in the southern end of the island are the hemp districts. It is hard to believe, however, that any other portions of Luzon are more attractive, from the agricultural point of view, than the railroad-traversed provinces where rice and sugar cane flourish.

The lead-colored, heavy-horned carabao is the characteristic animal of the country. He is seen everywhere, drawing heavy burdens, dragging the plow, enacting the role of coach horse or riding horse, or, in his moments of leisure, wallowing luxuriously in muddy water.

At Bayambang one of the station peddlers was mounted on a carabao. Behind him and his competitors in trade stretched the main street of the village, lined with cocoanut palms. A picturesque rivulet flowed parallel with this street, and at right angles to it and on the other side of the stream extended another road, on which two carabao teams were outlined in profile, each carabao mounted by a small boy and each drawing an open framework wagon, containing, apparently, vegetables and fruit. For the background of the picture first came banana trees; then, in the rear, rising higher and higher in successive stages until the green barrier seemed to shut out the sky, appeared magnificent palms.

A LIFE-SAVING ACCIDENT.

Our engine had been growing feebler and feebler in its northward journey, losing time steadily until we were far behind the schedule, and darkness was at hand, when at Murcia it gave out completely, an accident which caused vigorous and universal grumbling at the time, but which undoubtedly saved many lives.

The nearest engine available for our use was at Bautista, not very far from the north terminus of the road. In response to a telegram this engine came southward toward Murcia. About five miles from Bautista it ran into two logs of wood that were laid across the track. Near Tarlac, the station north of Murcia, it encountered a bunch of wire, evidently placed there with the idea of entangling the wheels. Finally, while backing slowly down between Tarlac and Murcia, it suddenly left the rails and turned over on its side. The crew jumped from the engine and raced for their lives down the track to Murcia, some three miles distant, where they gave the alarm. The train wreckers, hidden in the bushes, where signs of their presence were afterwards found, did not interfere with the engine's crew. They had taken out a rail just south of a bridge across a creek with very high banks, and had so placed it upon the track as inevitably to throw a north-bound train into the bed of the stream or into a deep ditch running parallel with the track. They were not expecting an arrival from the north, and in their surprise, and perhaps in their fear of a possible trap, they remained where they were until the soldiers, responding to the alarm, approached from Murcia, when they disappeared in the jungle.

Nearly all of the company at Murcia went out in pursuit of the train-wrecking insurgents, and the suggestion spread among those who were left behind that the bandits who had recently stolen thirty rifles and much ammunition from the army post at Tarlac might take advantage of the absence of the soldiers to attack the train and Murcia station. But the train robbers were running, not fighting, that night, and our slumbers in the cold air on the floor of the third-class officers' car were peace-

ful and undisturbed, at least so far as annoyances from insurrectos were concerned.

In the morning I joined a small party who resolved not to wait at Murcia for the arrival of the wrecking train from Manila and the clearing of the track, but to push ahead in a hand car until overtaken by the train. Our motive power was derived from Filipinos and Chinese, some running on the ties and pushing from behind, and some standing on the car and poling expertly with long bamboo rods.

THROUGH TARLAC WOODS ON A HAND CAR.

Our hand car started at a rapid pace and we quickly covered the three miles to the wreck, around which the hand car was carried. Careful examination of the work of the train robbers brought the conviction that a north-bound train leaving the track here would surely have been piled in wreck in the bed of the stream. The native train, which in ordinary course would precede the military, and had a comparatively small guard, carried on this occasion several thousand dollars in silver, as well as many bundles and boxes of goods, and the motive of the wreckers seems to have been solely that of the train robber—to make this rich haul without any regard whatsoever as to the nationality of the individuals to be murdered or robbed.

Beyond the wreck our car was driven between the dense and gloomy woods and jungle which hemmed in both sides of the track for three miles to Tarlac. The jungle of Tarlac woods is the lurking place of the local banditti, and as there was a possibility that some of the gentry might be tempted to attack our small party, we urged our somewhat winded pushers and polers to extra efforts by means of all the polyglot injunctions to speed with which our experiences with 'rickshaw men and carromatta drivers had rendered us familiar.

Tarlac is the latest of Aguinaldo's capitals. Since he was chased from that village, at a comparatively recent date, he has never stopped publicly at any point long enough for it to receive full recognition as a new capital. At the present time the American authorities would very much like to know the location of his seat of government, whether in north Luzon, south Luzon, Hongkong, Singapore or Paris.

In Tarlac there is opportunity to inspect the buildings used by the insurgent government and the houses occupied by the various American generals (including General Wheeler) who have been stationed here. An interesting market was in full blast during our visit, and I invested in a package containing the leaf, the lime and the nut which constitute the ingredients of betel chewing. The most curious of Tarlac's sights was that of a group of native fishermen, men and boys, in the Tarlac River, with spears, bows and arrows and a clumsy hand trap, all of which they used successfully as substitutes for the angler's rod and fly and for the net.

At an army post several miles beyond Tarlac, across the great wash-out of the river, we abandoned our handcar and waited for and finally took the native train, and by it proceeded to the end of our railway trip northward in Luzon.

A TALK WITH GENERAL MACARTHUR.

Before I returned to Manila I called upon General MacArthur, who is in command in this district, with headquarters at Bautista. This thor-

ough soldier and clear-headed administrator thinks well of the capabilities of the Filipinos, but warns against going ahead too fast in the attempt to impose the American system and methods upon an Asiatic people, at this time sensitive and distrustful. The local civil governments which are being established will, he thinks, prove excellent schools of instruction in American methods.

General MacArthur pointed out that many of the rich mestizos—half-castes with Chinese blood—who, next to the Spaniards, have been in control in Luzon, are to be reckoned as an obstructive factor in our solution of the Philippine problem. They have no desire for American methods with honest administration for the benefit of the whole people. They have bought special privileges and exemptions from the executive and judicial representatives under the Spanish rule, when the occasion required, and the proposition that they shall be treated like every one else under a system of even-handed justice, which aims to benefit the people and not a few individuals, comes as a shock and a disappointment to such persons.

Concerning the land problem, General MacArthur thinks that there should be a properly constituted court—like the Court of Claims—which, upon formal application, will look into questions of title in respect to the tracts claimed by the monastic orders.

He is of the opinion that the Chinese must not be allowed to come in to any greater extent than in the United States. Labor openings and opportunities must be guarded and preserved for the Filipinos, and they must be judiciously pushed into work. We are not to conduct Philippine affairs with immediate personal gain to ourselves in view, but are to so regulate conditions that the material prosperity of the Filipinos may be enhanced. The English firms which control Philippine trade naturally wish Chinese cheap and reliable labor in unlimited quantities, but for the good of the Filipinos, which is the motive for our intervention, the Chinese must not be permitted to come in without restriction and to drive the Filipinos entirely out of the labor field.

WHAT THE FILIPINOS THINK.

At Calasiao I had a talk with the local presidente or mayor, under the civil government instituted by the Americans. He is an intelligent Spanish-speaking Filipino of some education and of wide, practical business experience. He had lived in Manila and Dagupan and had conducted business operations in the intervening region. He had dealt in rice, sugar and tobacco, and at the time of the insurrection had an interest in three distilleries of bino, the native drink. The insurrectos took possession of the distilleries and used the metal of the machinery for cartridges and other military purposes. The presidente represented the principal need and desire of the Filipinos to be education, the establishment of schools, especially industrial schools, in which English shall be taught as the most useful commercial language. The detestation of the Filipinos, said the presidente, is the friars (frailes), who kept the natives blind in education (vividly indicated by the presidente's gesture, which covered the eyes with the hand), and who robbed, seduced and murdered. The Spanish governor agreed with Aguinaldo that the friars should go. They must go, the presidente continued, or there will be a constant, if petty, warfare, or a succession of outbreaks, no matter who exercises sovereignty in the land.

The country needs also, he added, railroads, wagon roads, commercial development, protection of life and property. If these benefits, including the expulsion of the friars, are enjoyed, the great majority of the Filipinos will be pacified. There will be little danger of serious uprisings. The people will consider their condition practically as good as that of the Americans themselves.

A special item, he indicated, under the head of protection of life and property, would be the assurance of continued security to those who are willing to co-operate with the Americans, who are threatened with death now and who will be killed to a certainty if the Americans withdraw.

In response to a question the presidente replied that the Filipinos had not taken into account the probability of the absorption of the Philippines by Germany, through purchase from Spain, if the United States had not retained the islands. He added that the Filipinos had expected to accomplish by obstinate insurrection the expulsion of the friars and other promised reforms even under Spanish rule.

HOPEFUL BUT NOT CERTAIN OF AMERICAN BENEFICENCE.

The presidente was not at all hypocritical in effusive admiration of and confidence in the benefits and blessings of American control. His strongest expression concerning the relations of America to the Filipinos was one of hopefulness, based upon American history and principles. He was inclined to think that America would be more liberal and considerate toward the Filipinos than Germany or any other foreign power.

In response to my request he pointed out defects in the printed plan of local civil government, of which he is an administrative officer. Certain criminal provisions are ineffective through uncertainty. Civil procedure is in substance merely arbitration, suits being dependent upon the willingness of defendants to be sued.

In some respects the attitude of this presidente is typical of that of those Filipinos who are disposed to co-operate with the United States with whom I have conversed or concerning whose opinions I have secured reliable information in other ways.

Not all lay the same stress upon education. Indeed, General Hughes, who is in command in the Visayan or central Philippine Islands, whom I met at Iloilo, does not believe that there is much spontaneous desire among the Filipinos for schools, and thinks that our system of public education in the Philippines must be compulsory. While in charge at Manila General Hughes started the public school system there, and he has had other opportunities for instructive observation. But whether the Filipinos are thirsting for free schools and liberal education, or whether the mass of them care little for such instruction and merely send their children for a time while the schools are a novelty in order to please their American rulers and in obedience to the will of the native presidentes, the fact remains, to which all assent, that these schools must be everywhere established and maintained.

CHAPTER III

LUZON IN 1900

Unanimity of Sentiment Against the Friars—Their Absence an Essential Condition of Genuine Peace—Evils of Alien, Ecclesiastical Ownership of Vast Tracts of Land—Anti-American Influence of the Friars—Two Paths of Policy Before Us.

Concerning the friars there is a substantial unanimity of sentiment, which must make an impression upon every one. I have been disappointed in my expectation that I would find the Filipinos, outside of the hostile fraction in arms, full of confidence in the Americans and heartily welcoming their control. Their attitude is apparently one of anxious expectancy, tinged with more or less of hopefulness, according to the individual disposition. I believe that this doubt concerning the benefit of American control is based more upon uncertainty concerning our policy in regard to the friars than in respect to any other issue whatsoever, even that of full self-government.

I do not think that there will be genuine peace, happiness and prosperity in the Philippines if we attempt, and as long as we continue, to enact Spain's role as the ally and backer of the friars.

The monastic orders and Spain have been identical in the Philippines. The archbishop here has always been more powerful than the governor general. In any conflict the individual opposed to the friars inevitably went to the wall. The vast tracts of valuable land to which the orders lay claim were in part obtained through the government and by virtue of this ecclesiastical control of the government, and to this extent the ecclesiastical land is still virtually government property, and would naturally pass to the United States by the cession from Spain. The treaty of Paris is so worded, however, as to render difficult a solution of the problem, which recognizes the truth that the Spanish government and the monastic orders in the Philippines are one and inseparable. Article 8, in which Spain cedes all public property in the Philippines, says: "Although quite unnecessary to do so, it is hereby declared that the cession stipulated shall in no way affect the property and rights accorded by custom or law to the peaceful holders of goods of any sort in the provinces, cities, public or private establishments, civil or ecclesiastical corporations, or any other collectivity which has any legal right to acquire goods or rights in the ceded or abandoned territories, and the same applies to the rights and properties of individuals of every nationality whatsoever." Would land, which was in equity public property, but title to which had been placed in the monastic orders, which in effect represented Spain in governing the Philippines, pass to the United States by this cession?

Assuming what is probably the truth, that the United States will not attempt to interfere in any manner which would savor of confiscation with property to which the monastic orders can establish valid record title, the friars claim that they must go to the various parts of the Philippines to administer this property, and must be protected there by the United States government as peaceful, law-abiding citizens, claiming and exercising only their conceded rights.

WILL UNCLE SAM FORCE FRIARS ON THE FILIPINOS?

But the United States is now in military occupation of the Philippines and is engaged not only in overcoming hostile forces, but in removing causes of continuing hostilities. The monastic orders have been by their acts the primary cause of the revolt of the people, who have fought Spain because she identified herself with the friars, and who will, I believe, continue to rise against us if we make common cause with those who are hateful in their sight.

The friars have been driven from the provinces, and practically all who have not left the islands are collected in Manila under American protection. They have been in effect expelled by the Filipinos. If they go back it will be because the United States, on the plea of preserving their civil rights, forces them with the aid of our soldiers' rifles upon the Filipinos. The military authorities engaged in a labor of pacification cannot permit individuals, whether ecclesiastical or lay, to go back to the villages who are hated by the people for alleged crimes, and whose presence will tend to keep alive hostilities and to lead to homicides or other breaches of the peace. As a military precaution, incidental to the army occupation of the islands, the protection of the United States should be refused to the friars. If the monastic orders have committed a fraction of the offenses of which the Filipinos believe them to be guilty, they are lightly punished by exile from the Philippines.

The Filipino hatred of the friars is not directed against them as Roman Catholics. The mass of the Filipinos are nominal Catholics, and there is no religious revolt whatsoever. The churches are well attended. For example, I observed hundreds flocking at an early hour in the morning to mass at the church in Calasiao. The Roman Catholic Church will in its own interest do well to consider how far it is wise to alienate a Catholic population by attempting to force upon the people as its representatives men who are feared and detested. Of course generalizations about the friars as a body will fail to fit the cases of some individual priests, who, as good men, may be personally acceptable to their parishes. But on the broad question of making the cause of the friars its own the decision of the Roman Church is eagerly awaited, both by the Filipino people and by the Protestant denominations of the world, which are ready to take advantage of any blunder in policy which may be committed.

ANTI-AMERICAN INFLUENCE OF THE FRIARS.

There is no reason why American Catholics should side with the friars. These men are Spaniards, with more than the natural national grudge against us. They are the essence of Spanish misgovernment in the Philippines, which we have overthrown. They hate us and spit upon our flag. In most cases, if returned to the villages, they will become centers of anti-American sentiment and influence. If Luzon is to be gradually Americanized this task will be aided, so far as the influence of the Roman Church extends, only through English-speaking priests.

In Panay, as in Luzon, the monastic orders claim ownership of the most valuable lands in the island, and have been driven out by the people. Speaking to me on this subject at Iloilo, General Hughes said that in his opinion the Catholic Church should put in every parish a sensible English-speaking priest, to dispel gradually the prejudice against the Spanish friars and to counteract the influence of the native priests, who are almost all insurrectos, and in many cases ignorant and corrupt.

Every one who undergoes the experiences of the railroad trip to Dagupan becomes unflinchingly the enthusiastic advocate of the policy of discriminating as soon as possible between the scattered Filipino bands still in arms and the insurgent army. Treat the war against the latter organization as over, declare amnesty, maintain no grudge or animosity against former hostiles submitting in good faith, and by prompt fulfillment in specific shape of general promises of good government and redress of old Spanish grievances make such submission easy and permanent. On the other hand, the wandering bands, who kill and rob Filipinos as well as Americans, who attempt to wreck and pillage even native trains, and who brutally murder their American prisoners when closely pursued, should be treated, when captured, not as prisoners of war, but as bandits, to be pursued and exterminated like train wreckers and similar murderous robbers in our western states. This policy is in the interest and for the protection of the Filipinos as well as of the Americans.

THE CONDITIONS OF GENUINE PEACE.

While declaring that the Filipino war is over, let us remember that it is not over permanently or in truth unless we take advantage of the opportunity to remove as far as possible the causes of war. By dispersing the insurgent army we have gained the chance, hitherto lacking, to demonstrate to the people of the Philippines the good faith of our assurances and the beneficence of our control. Certain Filipino leaders have endeavored to seize arbitrary power in the islands for themselves, raising the delusive cry of independence. War has determined that their ambitions are not to be gratified. But there is nothing in the results of the war which alters the attitude of the United States toward the Filipino people. The republic is still bound to correct as far as possible the evils of Spanish misrule and to satisfy the reasonable aspirations of the Filipinos for better and freer government.

As the first step which counts, let us settle the question of excluding the friars as far as possible in accordance with the wishes of the people. The agreement of Biac na Bato represented the minimum of redress of grievances which would conciliate the Filipinos. What Spain promised let us fulfill. To accomplish this result with a minimum of infringement upon the abstract rights of the friars is a problem for our statesmanship. It ought to be effected through the Roman Catholic Church itself; but in one way or another it should be accomplished without fail.

The evil of the holding by monastic orders of title to boundless tracts including whole provinces of the most valuable lands in Luzon, endangering the future of the island. The soil cannot remain indefinitely the property of alien landlords, whether ecclesiastical or lay. Luzon is not to become another Ireland, with the evil conditions of that unhappy island magnified a hundredfold. The people who inhabit the land, who cultivate it and develop it, must have an interest in it. It is said that the orders have not valid record title to much of the confiscated land of which they have taken possession by virtue of their relations with the Spanish government. As has been suggested, some sort of a tribunal should examine into the whole question of these titles. If no other effective method is discovered, these extensive alien landholdings may be broken up by the imposition of a very heavy ground tax. Land is almost neglected as a source of revenue under the Spanish tax system which we are enforcing.

Our Philippines experiment would seem to be threatened in advance with complete failure if we undertake to keep the peace and to bring prosperity and happiness to an island in which the hated friars own the land and the discontented insurrectos live upon it. Under this arrangement Spain would retain through the monastic orders the ownership of the Philippines, and would have ceded to us merely the duty of protecting her in that ownership, and of governing and subduing with our army in her interest the landless, desperate and constantly revolting Filipinos, whom she was unable by her own efforts to overcome.

A CHOICE OF POLICIES.

Two paths of policy open before us. We can accept the Philippines as a trust imposed by Providence to be administered for the benefit of the millions of people who inhabit the islands. In this case we shall side with the Filipino against the Spaniard, with the Filipino against the friar, with the Filipino against the Chinaman, and in each of these controversies we shall make the cause and interest of the Filipino people our own. On the other hand we may accept these islands as the spoils of war, unaccompanied by any obligations whatsoever to the people who happen to live upon them. In which case we may enter upon the broad and apparently smooth way of the policy which merely substitutes our mastery for that of the Spaniards, indorses and adopts the Spanish system of government, taxation and general treatment of the natives, recognizes the friars as the owners of the land and the masters of the people, and utilizes the reliable Chinaman as the universal workingman of the islands. Under this policy we should reserve despotic government of the Philippines to ourselves, turn over the land to the friars and the labor to the Chinese, and consign the Filipinos to the tender mercies of a large American standing army, expensively transported for many thousand miles to the scene of a distasteful and un-American task.

The Philippines labor problem is many sided and is not to be disposed of hastily. The only necessary decision of the present is the preliminary one that opportunities in the labor field shall be secured for the Filipinos. Some men, whose opinions are entitled to respect, say that the Filipinos will not work; that they will not utilize the chances to do so when afforded them. This sweeping condemnation has yet to be demonstrated to be well founded. The Filipinos might be expected to work with suitable encouragement as well as the Javanese, with whom they have racial affinities. If, however, having had full opportunity, they fail to seize it, and the development of the islands in any direction suffers from lack of labor, there will still be time to supplement the thousands of Chinese and mestizos already here and for Uncle Sam to enter into a partnership of capital and labor with John Chinaman, such as John Bull has formed with him in Singapore. This is not a case, however, where, as in the formative days of the Straits Settlements, from paucity of a fixed Malay population the best workers from the outside can be selected deliberately, untroubled by interfering equities. Luzon is so thickly populated that in order to avoid the possible famines of the future and the outbreaks which spring from the desperation of the half starved, every effort should be made to bring the natives into productive contact with the soil or into other self-supporting forms of labor, even to the extent of the judicious pushing suggested by General MacArthur. Meanwhile the numerous Chinese already in Luzon, entitled to be classed among the Filipinos, if they desire it, can, during the experimental

period, and even afterwards, perform any kind of labor in which it may appear that the Malay Filipinos absolutely will not engage.

There are many minor needs of the Filipinos—as for the gradual development of self-government, beginning with control of the municipalities; in the matter of schools, railroads and improved highways; in relief from old Spanish laws and taxes, and in greater consideration and courtesy on the part of our soldiers and of Americans generally. But until a settlement is reached of the vital questions—as whether they are to be subjected again to the domination of the friars, whether they can readily acquire an individual interest in the soil on which they live, and whether the means of existence represented by the labor of the islands shall be tentatively reserved for them—discussion of the other matters seems premature and futile.

CHAPTER IV

LUZON IN 1902

The Changes of Two Years—Many in the Actors, Few in the Play—American Patience Still Needed—Amnesty for Genuine Amigos; Annihilation for the Bandits—Following Lines of Policy Suggested in 1900—The Need of English and Industrial Education—Title of Monastic Orders to Lands to Be Judicially Tested and Valid Holdings Purchased by Government—No Domination by the Friars and No Absentee Ecclesiastical Landlordism.

The period of over two years that has elapsed since my New Year interview with General Otis, while chronicling a highly creditable record of American administration and achievement, both civil and military, has worked few changes in the essentials of the American problem in the Philippines. The considerations which were forcible and the suggestions which were pertinent in 1900 have lost neither point nor weight, and are directly applicable to the conditions of 1902.

The actors on the Philippines stage have changed, but not the play.

Notable progress has been made in answering the questions and meeting the issues of 1900, and important legislation indicating national tendencies has been secured, but no final settlement has yet been reached on any vital point, and no new problems displace and render obsolete the old.

General MacArthur, whom I visited in camp at Bautista, has succeeded General Otis as military governor of the Philippines, has occupied the official palace in old Manila, and after an administration highly creditable to him and promotive of the national and Filipino welfare, has in turn given way to General Chaffee, fresh from his exploits on Chinese soil. The multifarious and overwhelming duties of General Otis as military governor have been divided, and the civil administration, separated from the military, has been assigned to Judge Taft as civil governor, who in that capacity has already made a notable record for energy, tactfulness and intelligent efficiency. Finally, by order of July 4, 1902, civil administration has been extended to the whole archipelago, except the Mahometan Islands.

AGUINALDO, BUENCAMINO, PATERNO AND MABINI.

With this shifting in persons and official duties there has been steady progress under capable American guidance in overcoming the difficulties and discouragements which have been noted. The Tagalog insurgent force collected in January, 1900, in south Luzon, has been completely dispersed, and no other concentration in the smallest degree approaching it in strength has since been effected or attempted. Practically all of the insurrecto leaders have been captured or have surrendered. Aguinaldo, who had then disappeared after his flight from Tarlac, was made, through Funston's daring feat, a nominal prisoner in Manila, who has taken the oath of allegiance to the United States, desires to visit America, and fears as a result of liberty for himself, under the amnesty proclamation of July 4, 1902, personal violence from the adherents of General Luna, who was assassinated in front of Aguinaldo's tent, and, it is asserted, by his orders. Of the other prominent Filipinos discussed by General Otis for my information, Buencamino, a former premier in

Aguinaldo's government, and Paterno, the president of Aguinaldo's revolutionary congress, are now strong friends of the United States, conspicuous in the councils of the federal party, the pro-American peace organization of the Filipinos, which has contributed materially to pacification. Buencamino early in 1902 was active in the Protestant missionary campaign in Luzon. He has recently visited America as representative of the federal party, and has voiced its sentiments to the President, to Congress and to the public. Paterno has been instrumental in having school commemoration and general public celebration of the birthday of the martyred Rizal. He publishes in his political interest a newspaper in Spanish, called *La Fraternidad*. In the course of the kaleidoscopic shifting of the political activities of these Filipinos they now appear as devoted Americanistas. In contrast with their pliability and easy adaptability is the uncompromising attitude of Mabini, who, with the bandit Pilar and others, was deported to Guam.

General MacArthur cabled concerning Mabini at the time of his deportation:

A most active agitator; persistently and defiantly refusing amnesty and maintaining correspondence with insurgents in the field, while living in Manila under protection of the United States. His deportation absolutely essential.

Major Orwig, in charge of the Guam prisoners, says in his April (1901) report that these Filipinos "express themselves generally as being anxious to return to the Philippines and willing to submit to American rule. Mabini has, however, made no such declaration; and, while he is entirely submissive to the prison rules, there still seems to be an undercurrent of resistance and a determination to be a martyr."

Mabini had the best brains and, apparently, all the sincerity and backbone of the Filipino insurrectionists. He is the only one who has shown the slightest appreciation of the meaning of independence in the American sense of the word, the smallest genuine desire to enjoy it, and the least willingness to make sacrifices in the unflinching hope of obtaining it. If anti-imperialism requires a Filipino Washington of heroic mould, let Mabini be chosen, and not that pitiful creature Aguinaldo.*

CONDITIONS IMPROVED BUT NOT CURED.

In spite of temporary setbacks the sphere of civil administration has been steadily and safely enlarging, until it now covers all except the Mahometan islands and provinces, and the Tagalog revolt has assumed more and more each month the aspect of mere brigandage. But while the Tagalogs in arms are much fewer and the friendly Filipinos far more numerous, and while the end of the war has been officially proclaimed by the President and the American army in the Philippines has been safely reduced to a fraction of its former strength, there are still many, armed or unarmed, who are unreconciled and unreconstructed. Many times in 1902 there has been witnessed the same rapid transformation from armed and uniformed hostile to white-clad amigo, and back again to military attire. There is still the same intimidation of non-combatant Filipinos by insurrectos in arms, and the threats, sometimes fulfilled, against those

*The Filipinos deported to Guam, with a few exceptions, took immediate advantage of the amnesty proclamation of July 4, 1902, and, taking the required oath of allegiance, were sent back to Manila. For months Mabini persistently refused to swear allegiance to the United States and remained in Guam, while his case was made the text of anti-imperialistic agitation and discussion in the newspapers, in pamphlets and in the Senate. Finally Mabini yielded and took the oath of allegiance February 27, 1903.

natives who affiliate with Americans. There is still the same condition of petty guerrilla war, marked by treachery on the part of those upon whose protestations the Americans have relied. Even municipal officials in the government set up by our army officers have played us false, in some instances representing both the insurgent and the American authorities, and collecting taxes in both capacities.

At Taytay in Morong province, Luzon, a native priest, the curate of the pueblo, who was the most influential man in that province with the Americans, and most trusted by them, caused an insurgent officer to be elected as presidente in the civil government set up by the Americans, and other members of a little band of soldiers from a dispersed Filipino army filled the other municipal positions. These men served with due appearance of loyalty the American government, while at the same time they labored secretly in the interest of the insurrection. Finally, the conspiring municipal officials entered upon a series of murders, and investigation into the numerous mysterious disappearances led to the discovery of the plot. Three of the officials were hanged, three imprisoned for life, and the priest was punished by a sentence of twenty years at hard labor.

In the massacre at Balangiga, in Samar, the chief of police and the presidente hatched the conspiracy and the church bells sounded the signal of slaughter.

So numerous were these discoveries of treachery that General Chaffee, in reviewing certain court-martial sentences imposed upon guilty Filipinos, in his indignation too sweepingly denounced the people of the islands, saying: "History affords no parallel of a whole people thus practically turning war traitors, and in the genius of no other people were ever found such masterful powers of secrecy and dissimulation."

In view of this continuance in 1902 in certain essentials of the conditions of 1900 there is evidently the same need today as then of patience on the part of the American people with an apparently slow progress in the complete pacification of the islands, if it is held that such condition is not reached until the murderous robber bands have all been dispersed or exterminated. There is the same need of extreme consideration and full protection for the Filipinos who are now co-operating in increasing numbers with the Americans, and of vigorous and effective pursuit and swift punishment of the bandits who, still lurking in forests or mountain recesses, slaughter prisoners, wreck trains, rob and murder, preying indiscriminately on Americans and Filipinos, but preferring the latter as easier game.

AMNESTY FOR AMIGOS; ANNIHILATION FOR BANDITS.

Progress has been made along both branches of this dual policy, which was presented as applicable to the conditions of 1900. The declaration of the end of war with the Filipinos as a people and the proclamation of amnesty, recommended by subordinate officers, were at first opposed by the military governor, but after some delay were announced. They were followed, as urged in 1900, by the most considerate legislation and executive action by the American authorities in the archipelago, guaranteeing prompt fulfillment in specific shape of the American promises of good government and redress of the old grievances against Spain, thus eliminating all reasonable causes of war and tending to make the proclaimed peace genuine and permanent. And now the proclamation of peace and the declaration of amnesty have been made formally (July 4, 1902) by the President of the United States himself.

The associated proposition of drastic treatment for the brigands infesting the woods and the plotting and murderously treacherous irreconcilables who lurked in the towns was not fully tested until General MacArthur, as military governor, after the American elections in November, 1900, formally proclaimed that the severest punishments would be inflicted upon captured Tagalogs who had offended the laws of war. This warning was intended for any who might think of imitating such savages as those who on Mount Aryat barbarously slaughtered their prisoners on the approach of American soldiers. Deportation to Guam was wisely provided for dangerous and obstinate plotters like Mabini. It was again demonstrated that nothing is so conciliating as a little severity. General MacArthur attributes to this proclamation of December 20, 1900, the first genuine pacification of the islands. "From the date of its issue," he says, "secret resistance and apathy began to diminish and kidnapping and assassination were much abated. In a very short time these malign influences were to a great extent superseded in American affairs. Rarely in war has a single document been so instrumental in influencing ultimate results. The consequences in this instance, however, which lie very near the surface, seem to preclude all possibility of doubt, and also seem to justify the conclusion that the effective pacification of the archipelago commenced December 20, 1900."

Today these diverse but consistent and co-operating policies are in full operation with the best of results. Conciliation, sympathy, redress of grievances, progressive self-government—these are the watchwords of Taft and the civil administration in dealing with the peaceful law-abiding Filipinos. Compulsion, severity, the stern punishment of murderous treachery—these are the watchwords of Chaffee and the army. For the genuine amigo is the protecting and uplifting hand; for the irreconcilable and treacherous is the blow of the mailed fist.

CRUELITIES IN FILIPINO WARFARE.

There has been in 1902 much discussion of the character of the conduct by the American soldiers of hostilities against the Filipinos. There is no doubt that these operations at one time lacked the punishing vigor which was requisite. War was made too easy for the hostiles. There was not sufficient discrimination between the treatment of those who fired upon us and those who were disposed to be friendly to us. Indeed, we coddled the openly hostile and failed to protect against torture and assassination our friends. All the influences tended to make the discreet Filipino an insurrecto.

When this policy was changed and Americans began to make war in earnest on the banditti posing as insurrecto patriots, there were doubtless instances of harsh treatment of Filipinos, which went to the other extreme.

A few cases of punishment of American soldiers for inflicting torture to extort information or confessions are recorded, and the inference is that there were other instances which went unpunished. Indeed, in the congressional partisan ransacking of soldiers' stories about occurrences in the Philippines there have been discovered among a mass of venomous fabrications by spiteful malcontents a number of genuine torture cases which failed to reach court-martial in the Philippines.

There have also been more serious allegations of offenses against the laws of war by American officers in the Samar campaign of retaliation for the massacre of Balangiga.

All such charges, whether great or small, should be tried before the proper military tribunals in due course in the Philippines, where the witnesses and the evidence furnished by conditions of environment are at hand, and the accused, if found guilty, should be duly punished. But it is impossible on the evidence furnished by these scattered and exceptional cases to sustain an indictment against the American army of inhuman or even very cruel conduct of the war in the Philippines. This fact is now apparently conceded even by those who seemed at first for partisan reasons to be contending for the opposite conclusion. Subjected to the test of sound public policy every severity within the laws of war is to be pronounced commendable if directed against the so-called insurgents in arms, the robbers and assassins of their helpless fellow-countrymen; and no severity is defensible when it is applied to Filipino non-combatants. The political hereafter of a "pax-Americana" in the Philippines must be kept in mind in all the acts of today, and their effect in allaying or intensifying bitterness of feeling between Filipinos and Americans after peace is thoroughly established must be carefully considered. In reviewing a trial before a military commission of certain Filipinos, so-called *insurrectos*, who buried alive or burned at the stake some of their countrymen, General Chaffee places relentless severity toward the *insurrecto* "banded assassins" squarely on the basis of wise preparations for harmony and security during the coming peace. He says:

Patriotism long since ceased to be the guiding motive of these bands. The number of men and women who have been destroyed by their own countrymen, under guise of making war upon the American forces, now reaches high into the thousands, and the work of these cowardly assassins, now misnamed *insurrectos*, still goes on in a few districts, where they profess to be making war against the United States; but where, in fact, they engage only in terrorizing the people into surrender of enough property to enrich the leaders and support their ignorant and vicious followers. The laws of war, having in view the ultimate return of peace, with complete protection for the lives and property of the people, denounce upon all such banditti the penalty of death. No matter under what name or society they may seek to disguise their true character as banded assassins, the work of their extermination must go on until chief and follower shall cease their inhuman trade.

As the probabilities of bitterness and friction between Americans and Filipinos after hostilities cease will be diminished by judicious harshness of treatment of robbers and murderers, so the same end will be promoted by the utmost consideration in dealing with the Filipinos who are disposed to be friendly. To sow among this class a crop of anti-American prejudices, resentments and hatreds is the very essence of unwisdom.

Amnesty, marking the end of the Filipino war, which was expected in 1900, and has been vainly proclaimed by the insular military government, has now been declared by the President of the United States, and a renewed national obligation presses upon the republic "to correct, as far as possible, the evils of Spanish misrule and to satisfy the reasonable aspirations of the Filipinos for better and freer government."

President Roosevelt, in announcing the end of the Filipino insurrection, takes advantage of the occasion to pay a deserved tribute to the American army, which is especially appreciated and applauded by the American people on account of the attacks to which the republic's soldiers have been subjected. Secretary Root, speaking for the President, says in his order of July 4, 1902:

The President thanks the officers and enlisted men of the army in the Philippines, both regulars and volunteers, for the courage and fortitude, the indomitable spirit and loyal devotion with which they have put down and ended the great insurrection which has raged throughout the archipelago against the lawful sovereignty and just authority of the United States. The task was peculiarly difficult and trying. They

were required at first to overcome organized resistance of superior numbers, well equipped with modern arms of precision, intrenched in an unknown country of mountain defiles, jungles and swamps, apparently capable of interminable defense. When this resistance had been overcome they were required to crush out a general system of guerrilla warfare conducted among a people speaking unknown tongues, from whom it was almost impossible to obtain the information necessary for successful pursuit or to guard against surprise and ambush.

The enemies by whom they were surrounded were regardless of all obligations of good faith and of all the limitations which humanity has imposed upon civilized warfare. Bound themselves by the laws of war, our soldiers were called upon to meet every device of unscrupulous treachery and to contemplate without reprisal the infliction of barbarous cruelties upon their comrades and friendly natives. They were instructed, while punishing armed resistance, to conciliate the friendship of the peaceful, yet had to do with a population among whom it was impossible to distinguish friend from foe, and who in countless instances used a false appearance of friendship for ambush and assassination. They were obliged to deal with problems of communication and transportation in a country without roads and frequently made impassable by torrential rains. They were weakened by tropical heat and tropical disease. Widely scattered over a great archipelago, extending a thousand miles from north to south, the gravest responsibilities involving the life or death of their commands, frequently devolved upon young and inexperienced officers beyond the reach of specific orders or advice.

Under all these adverse circumstances the army of the Philippines has accomplished its task rapidly and completely. In more than two thousand combats, great and small, within three years, it has exhibited unvarying courage and resolution. Utilizing the lesson of the Indian wars it has relentlessly followed the guerrilla bands to their fastnesses in mountain and jungle and crushed them. It has put an end to the vast system of intimidation and secret assassination by which the peaceful natives were prevented from taking a genuine part in government under American authority. It has captured or forced to surrender substantially all the leaders of the insurrection. It has submitted to no discouragement and halted at no obstacle. Its officers have shown high qualities of command, and its men have shown devotion and discipline. Its splendid virile energy has been accompanied by self-control, patience and magnanimity. With surprisingly few individual exceptions its course has been characterized by humanity and kindness to the prisoner and the non-combatant. With admirable good temper, sympathy and loyalty to American ideals its commanding generals have joined with the civilian agents of the government in healing the wounds of war and assuring to the people of the Philippines the blessings of peace and prosperity. Individual liberty, protection of personal rights, civil order, public instruction and religious freedom have followed its footsteps. It has added honor to the flag which it defended, and has justified increased confidence in the future of the American people, whose soldiers do not shrink from labor or death, yet love liberty and peace.*

NOTABLE PROGRESS IN PUBLIC EDUCATION.

Great advances have been made in satisfying the educational desires of the Filipinos as voiced by the presidente of Calasiao. The schools, teaching English, and even the trade school, for which he pleaded as the greatest need of his people, have been supplied. The employment of a thousand American teachers has been authorized, and nearly all of this number are now in the archipelago at work, their primary function being to teach English and modern methods of instruction to Filipino teachers. It is estimated that there are over 150,000 Filipino pupils enrolled in the free primary schools established by the government, and over 75,000 pupils in actual daily attendance.† This discrepancy in figures of enrollment and attendance is due in part to the fact that it is impossible to furnish accommodations for assembling all the pupils who wish to attend school. There are between 3,000 and 4,000 elementary Filipino teachers engaged in public education, about 2,000 of whom are daily receiving at least one hour of English instruction. Between 20,000 and 30,000 adults are learning English in evening schools conducted by American teachers. Demands for the establishment of schools for the instruction of adults in English are coming from all parts of the archipelago. In the Manila primary schools there were at the end of July,

*In the same vein see President Roosevelt's vigorous and effective defence of the army in his address of April 7, 1903, at Fargo, N. D.

†The superintendent of public instruction reports that in 1903 there are about 200,000 children under instruction at an annual expenditure of about \$800,000 and that the system is becoming both popular and effective.

1901, 5,123 pupils in attendance. The attendance in the Manila night schools for September, 1901, was 1,800. One hundred and thirty-four Filipino teachers are now employed in Manila. A normal school has been established in the Walled City, and in the spring of 1901 instruction was given to 570 Filipino teachers assembled from schools in various parts of the archipelago. The sum of \$15,000 was appropriated for the organization and maintenance for 1901 of a school in Manila for the instruction of Filipinos in useful trades.

INDUSTRIAL SCHOOLS FOR THE FILIPINOS.

The statement of the presidente of Calasiao that the special need of the Filipinos is for industrial schools is confirmed by the experience of the commission. "From various parts of the archipelago," it reports, "requests were made for the establishment of schools. These requests are for assistance in constructing school buildings, for teachers to give instruction in English, and for teachers to give instruction in manual training and the trades. It is significant that next to the demand for instruction in English there comes the demand for a kind of instruction to which in these islands little attention has hitherto been given, and it is thought to be highly desirable to satisfy their demands as far as possible.

* * * The backwardness of these islands in almost all forms of industry and agriculture is due, not to lack of resources or physical conditions unfavorable to development in these lines, but in a large measure to the fact that little or no effort has been made to furnish the people proper tools, implements and machinery or an effective knowledge of how to use them. Trade schools will therefore support the Filipinos at their weakest point, and if established in sufficient numbers and properly organized and conducted will do more than almost any other agency to put them in the possession of those qualities or powers which tend most directly to modernizing them and raising their standard of civilization."

All public instruction in Manila at the present time is in the English language, though Spanish still holds a place in private institutions.

"The popular discussion of the subject of education, the qualifications for entrance to the public service set by the civil service board, and the widespread belief in the opening of a new epoch in these islands in which knowledge and scholarly attainments will be recognized as opening avenues to successful careers, seem to promise an awakening among the Filipino people. The demand for instruction is unprecedented."

The civil insular administration has made a notable record of achievement not only in the field of educational development, but in other branches of its labors. The Filipinos, in addition to large representation in the municipal governments, participate in the central insular administration, three of the eight members of the commission being natives. The commission has established a purified insular judiciary in which the Filipinos participate to the extent of safety. Three of the seven members of the supreme court are natives. The commission has framed a code of civil procedure and a code of practice and crimes. It has established a system of local police and insular constabulary for the suppression of ladronism. It has created an effective health department to attack and prevent epidemics. Through its recommendations the wise and comprehensive legislation of the first session of the Fifty-seventh Congress has been secured.

While this progress has been made and advances may be noted in meeting the other material needs of the Filipinos specified by the presi-

dente of Calasiao, as for example in road building,* upon which the sum of a million dollars has already been expended, and in protection of native life and property, the problems of land and labor, which pushed themselves to the front in 1900 as of overwhelming importance, are still in certain vital respects unsettled, and are likewise, with the question of Filipino participation in or control of the insular government, the archipelago's paramount issues of 1902.

The labor question, involving as the vital issue the exclusion or admission of the Chinese, is thoroughly discussed and brought to date in chapters VIII and IX of this volume, in connection with a study of the lesson taught us on this point by the Javanese, the industrious Malay workers who have highly developed a beautiful tropical island.

THE DOMINATING FRIARS AND THEIR VAST LAND HOLDINGS.

My suggestions of January, 1900, in respect to the friars and ecclesiastical lands were: (1) Do not permit the Spanish friars to return to the Philippines. Accomplish this result through arrangement with the Roman Catholic Church if possible. But in any event exclude the friars from the parishes which object to them. (2) Establish a tribunal to examine land titles, which may determine the validity or invalidity of disputed ecclesiastical holdings, and pass upon the question of the status of Spanish public property, nominal title to which is in the monastic orders. (3) Cure the evil of alien landlordism by breaking up the great monastic holdings; if possible in no other way by imposing a very heavy ground tax.

(1) In regard to the exclusion of the friars, or rather to the question of forcing back upon the Filipinos the friars whom they have themselves excluded, no definite understanding with the Roman Catholic Church has yet been announced. Governor Taft, in negotiating early in 1902 with the Vatican concerning the purchase of the ecclesiastical lands, made the withdrawal of the friars virtually a condition of the purchase of their property, but no settlement was reached at Rome and the negotiations are still in progress at Manila.

PREVENT RETURN OF THE SPANISH FRIARS.

The contention that the return of the Spanish friars to their parishes should be prevented is strongly sustained by the comments on this subject of the Taft commission, based on a thorough investigation and

*Of the three millions appropriated at the second session of the Fifty-seventh Congress for relief of the Filipinos (suffering from the loss of 90 per cent of their carabaos by rinderpest, the partial failure of the rice crop, the plague of locusts, the scourge of cholera and the evil of a fluctuating silver currency) a portion, at the discretion of the commission, is available for road-building. This item of appropriation in the sundry civil act approved March 3, 1903, reads as follows: "For the relief of the distress in the Philippine Islands, to be expended under the direction and in the discretion of the Philippine government in such proportions as they deem wise, in the direct purchase and distribution, or sale of farm implements, farm animals, supplies and the necessities of life, and through the employment of labor in the construction of government wagon roads and other public works, to be immediately available, three million dollars. And the governor of the Philippines shall submit to the Secretary of War a statement of all expenditures hereunder."

Secretary Root suggested for the benefit of the Filipinos a reduction of the duties levied in the United States upon Philippine products to 25 per cent of the Dingley tariff rates, and the establishment of the gold standard for the insular currency. Congress finally failed to act upon the tariff suggestion, but passed the currency act (see appendix), and appropriated as above set forth for Filipino relief.

For other public improvement acts of Philippine commission see schedule of foot notes in table of contents. See also the Gazetteer of the Philippine Islands, issued by the bureau of insular affairs, an office, which under the efficient management of Col. Clarence R. Edwards, is performing a useful and important function.

formally presented in its report of November 30, 1900. The commission says:

By the revolutions of 1896 and 1898 against Spain, all the Dominicans, Augustinians, Recoletos and Franciscans acting as parish priests were driven from their parishes to take refuge in Manila. Forty were killed and 403 were imprisoned and were not all released until by the advance of the American troops it became impossible for the insurgents to retain them. Of the 1,124 who were in the islands in 1896 but 472 remain. The remainder were either killed or died, returned to Spain, or went to China or South America. * * * The burning political question, discussion of which strongly agitates the people of the Philippines, is whether the members of the four great orders of St. Dominic, St. Augustine and St. Francis and the Recoletos shall return to the parishes from which they were driven by the revolution. Colloquially the term "friars" includes only the members of the four orders. * * * The truth is that the whole government of Spain in these islands rested on the friars. To use the expression of the provincial of the Augustinians, the friars were "the pedestal or foundation of the sovereignty of Spain in these islands," which being removed, "the whole structure would topple over." The number of Spanish troops in these islands did not exceed 5,000 until the revolution. The tenure of office of the friar curate was permanent. There was but little rotation of priests among the parishes. Once settled in a parish, a priest usually continued there until superannuation. He was, therefore, a constant political factor for a generation. The same was true of the archbishop and the bishops. The civil and military officers of Spain in the islands were here for not longer than four years, and more often for a less period. The friars, priests and bishops, therefore, constituted a solid, powerful, permanent, well-organized political force in the islands, which dominated policies. The stay of those officers who attempted to pursue a course at variance with that deemed wise by the orders was invariably shortened by monastic influence. * * * It has been frequently charged that there was much immorality among the friars, and that to this is due the popular hostility against them. The friar witnesses denied the charges of general immorality, admitting only isolated cases, which they said were promptly disciplined. The evidence on this point to the contrary, however, is so strong that it seems clearly to establish that there were enough instances in each province to give considerable ground for the general report. * * * But while the charges have considerable truth in them, another fact clearly appeared which makes such immorality as there was largely irrelevant to the issue we are considering. This was that the immorality was not the chief ground for hostility to the friars. The common people are not generally licentious or unchaste, but the living together of a man and woman without the marriage ceremony is not infrequent and is not condemned. It did not shock the common people or arouse their indignation to see their curate establish illicit relations with a woman and have children by her. * * * We must look elsewhere, therefore, for the chief ground of the deep feeling cherished against the friars by the Filipino people. It is to be found in the fact that to the Filipino the government in these islands under Spain was the government of the friars. Every abuse of the many which finally led to the two revolutions of 1896 and 1898 was charged by the people to the friars. Whether they were in fact to blame is perhaps aside from our purpose, but it cannot admit of contradiction that the autocratic power which each friar curate exercised over the people and civil officials of his parish gave them a most plausible ground for belief that nothing of injustice, of cruelty, of oppression, of narrowing restraint of liberty was imposed on them for which the friar was not entirely responsible. His sacerdotal functions were not in their eyes the important ones, except as they enabled him to clinch and make more complete his civil and political control. The revolutions against Spain's sovereignty began as movements against the friars. Such was the tenor of Rizal's chief work, "Noli me tangere." The treaty of Biacnabato, which ended the first revolution, is said to have contained the condition that the friars should be expelled. In the second revolution, as already said, at least forty friars were killed, and over 400 were imprisoned. Having in view these circumstances, the statement of the bishops and friars that the mass of the people in these islands, except only a few of the leading men of each town, and the native clergy, are friendly to them, cannot be accepted as accurate.

WELL-NIGH UNIVERSAL HATRED FOR THE FRIARS.

All the evidence derived from every source, but the friars themselves, shows clearly that the feeling of hatred for the friars is well-nigh universal and permeates all classes. * * * In the light of these considerations it is not wonderful that the people should regard the return of the friars to their parishes as a return to the condition before the revolution. The common people are utterly unable to appreciate that under the sovereignty of the United States the position of the friar as curate would be different from that under Spain. This is not a religious question, though it concerns the selection of religious ministers for religious communities. The Philippine people love the Catholic Church. The solemnity and grandeur of its ceremonies appeal most strongly to their religious motives, and it may be doubted whether there is any country in the world in which the people have a more profound attachment for their church than this one.

The depth of their feeling against the friars may be measured by the fact that it exists among those who, until two years ago, administered the sacraments of the church upon which they feel so great dependence and for which they have so profound a respect. The feeling against the friars is solely political. The people would gladly receive as ministers of the Roman Catholic religion any but those who are to them the embodiment of all in the Spanish rule that was hateful. If the friars return to their parishes, though only under the same police protection which the American govern-

ment is bound to extend to any other Spanish subjects commorant in these islands, the people will regard it as the act of that government. They have so long been used to have every phase of their conduct regulated by governmental order that the coming again of the friars will be accepted as an executive order to them to receive the friars as curates, with their old, all-absorbing functions. It is likely to have the same effect on them that the return of General Weyler under an American commission as governor of Cuba would have had on the people of that island.

Those who are charged with the duty of pacifying these islands may, therefore, properly have the liveliest concern in a matter which, though on its surface only ecclesiastical, is, in the most important phase of it, political and fraught with the most critical consequences to the peace and good order of the country in which it is their duty to set up civil government.

FRIARS' RETURN WILL LEAD TO MURDER.

We are convinced that a return of the friars to their parishes will lead to lawless violence and murder, and that the people will charge the course taken to the American government, thus turning against it the resentment felt toward the friars. It is to be remembered that the Filipinos who are in sympathy with the American cause in these islands are as bitterly opposed to the friars as the most irreconcilable insurgents, and they look with the greatest anxiety to the course to be taken in the matter. It is suggested that the friars, if they returned, would uphold American sovereignty and be efficient instruments in securing peace and good order, whereas the native priests who now fill the parishes are many of them active insurgent agents, or in strong sympathy with the cause. It is probably true that a considerable number of the Filipino priests are hostile to American sovereignty largely because they fear that the Catholic Church will deem it necessary, on the restoration of complete peace, to bring back the friars or to elevate the moral tone of the priesthood by introducing priests from America or elsewhere. But it is certain that the enmity among the people against the American government caused by the return of the friars would far outweigh the advantage of efforts to secure and preserve the allegiance of the people to American sovereignty which might be made by priests who are still subjects of a monarchy with which the American government has been lately at war, and who have not the slightest sympathy with the political principles of civil liberty, which the American government represents.

We have set forth the facts upon this important issue, because we do not think they ought to be, or can be ignored. We earnestly hope that those who control the policy of the Catholic Church in these islands, with the same sagacity and prevision which characterizes all its important policies, will see that it would be most unfortunate for the Philippine Islands, for the Catholic Church and for the American government to attempt to send back the friars, and that some other solution of the difficulties should be found. The question for the prelate and statesman is not whether the bitter feeling toward the friars is justified or not, but whether it exists. It does not seem to us, therefore, to aid in reaching a conclusion to point out that all the civilization found in the Philippines is due to the friars. Be it so. Ought they on this account return to their parishes in the face of a deep, popular feeling against them? A popular bias or prejudice, deep-seated in an ignorant people, is not to be disregarded because it cannot stand the test of reason or evidence. It must be reckoned with. It would, of course, be of much assistance to the American cause if the Catholic Church were to send among the people American priests, with the love of their country that they have always shown, and with their clear understanding of civil liberty and conservative popular government; but it is said that such priests are not available for the work. This is a question of purely church policy with which we have nothing to do. It is enough to say that the political question will be eliminated if the friars are not sent back.

INTERESTING AND IMPORTANT NEGOTIATIONS AT ROME.

The United States government is now fully committed to the wise policy of eliminating the Spanish friars as a disturbing factor in the Philippine problem, and its position is lucidly and forcibly stated by Secretary Root and Governor Taft in the course of the negotiations at Rome in the spring and summer of 1902. The correspondence in this case is of the highest interest, recording, as it does, the opposing arguments of men profoundly versed in law, logic and diplomacy and masters in debate. It may be profitable to follow the twistings of the struggle over the single point of the disposition of the friars.

Secretary Root's instructions to Governor Taft pointed out that the religious orders now "find themselves the object of such hostility on the part of their tenantry against them as landlords and on the part of the people of the parishes against them as representatives of the former government that they are no longer capable of serving any useful purpose for the church. No rents can be collected from the populous com-

munities occupying their lands, unless it be by the intervention of the civil government with armed force.

"Speaking generally, for several years past the friars, formerly installed over the parishes, have been unable to remain at their posts, and are collected in Manila with the vain hope of returning. They will not be voluntarily accepted again by the people, and cannot be restored to their positions except by forcible intervention on the part of the civil government, which the principles of our government forbid.

"It is manifest that under these conditions it is for the interest of the church, as well as of the state, that the landed proprietorship of the religious orders in the Philippine Islands should cease, and that if the church wishes, as of course it does wish, to continue its ministration among the people of the islands, and to conduct in its own behalf a system of instruction, with which we have no desire to interfere, it should seek other agents therefor."

Secretary Root then sets forth the wish of the government to buy the large tracts of agricultural lands belonging to the religious orders, but adds significantly that the purchase money is not "to be used for the attempted restoration of the friars to the parishes from which they are now separated, with the consequent disturbance of law and order." In other words, the purchase of the lands is conditional upon the non-return of the friars.

Governor Taft in his address to the Pope approaches this delicate subject in the following words:

The transfer of sovereignty from Spain to the United States had been preceded by two revolutions among the Philippine people against Spain. The popular hostility was chiefly manifested against the members of four religious orders who had, in addition to their clerical duties as parish priests, been charged by the Spanish government with the performance of a burden of local political and police duties, and in the performance had been held responsible by the people for the oppression of which it was said that Spain was guilty.

Three of these orders were owners of large tracts of valuable agricultural lands, and in each revolution the hostility toward the members of the religious orders was, in provinces where this land lay, agrarian as well as political. The justice or injustice of this hostility is, as I conceive, aside from the issue. It exists and is the result of years of peace and war. It can not be ignored. The members of these orders have not yet returned to their parishes, which are being administered by the native clergy, and they have not yet resumed possession of their lands. An attempt by them to assume the rights of landlords or to become parish priests again will, it is confidently believed, seriously disturb the peace and order of the islands.

On behalf of the Philippine government, it is proposed to buy the lands of the religious orders with the hope that the funds thus furnished may lead to their withdrawal from the islands, and, if necessary, a substitution therefor, as parish priests, of other priests whose presence would not be dangerous to public order.

We now have in the Philippine Islands a Christian people of 6,000,000 souls, substantially all Roman Catholics, just awaiting the dawn of a new political and business life. What a burden upon them, what a burden upon their church, to which they are devoted, that deep-seated political and agrarian hostilities growing out of the troubles of a previous regime should be permitted now to cast their shadow upon their religious and political welfare. Should such questions be left open to a continued discussion with all the unfortunate heat likely to be engendered? Is it not wise that in a straightforward business method a basis for a general settlement and compromise should be reached in an amicable conference between the representatives of the head of the Roman Catholic Church and agents or officials of the Philippine and United States governments?

THE VATICAN'S POLICY IN THE PHILIPPINES.

Cardinal Rampolla in his reply to Governor Taft states the position of the Holy See in these words:

Regarding the religious orders, of which mention is made in the instructions of the Secretary of War, the Holy See can not give its adhesion to all the views contained therein; nor does it consider opportune to enter into a discussion on that point. Placing itself entirely on the practical ground of the provisions required by the new situation, the Holy See admits first of all that the system obtaining under the Spanish domination and the mixing up of the religious in the civil administration

might have created for them in a portion of the people a certain ill will. How to eliminate this antipathy the Holy See has already devised means, gradually by opportune measures to recall the regulars to the life proper to their institute, to devote themselves exclusively to spiritual ministry, to abstain from any kind of interference in things appertaining to the civil authority, to consolidate mutual peace of life between the people and clergy of the islands, to uphold the principle of authority, to imbue the masses with morality and to make themselves the instruments of civilization and social order.

It is also the intention of the Holy See to introduce in the Philippine Islands religious of other nationalities; and, so far as possible, from the United States, and to intrust to them, when sufficiently instructed in the local dialects, the spiritual care of the faithful. As to the Spanish religious in particular belonging to the orders mentioned in the instructions, not even they should be denied to return to those parishes where the people is disposed to receive them without disturbance of public order; and, if in some parishes where it is evident that they are desired, or are favorably regarded by the whole or the great majority of the people, obstacles and difficulties should be interposed on the part of some disturber of peace, the Holy See trusts that the American authorities by the ordinary means of civil justice will know how to protect the rights of the religious themselves and the wish of the people. Finally, the Holy See will not neglect to promote at the same time the better ecclesiastical education and training of the native clergy in order to put them in the way, according to their fitness, of taking gradually the place of the religious orders in the discharge of the pastoral functions.

It is to be noted that the church indicates that it will introduce in the Philippines priests of other nationalities than Spanish, and "so far as possible from the United States," and will intrust to them, "when sufficiently instructed in the local dialects," the spiritual care of the faithful. But the friars should not, it is suggested, be prevented from returning to parishes where they are desired by the people, and in such cases if, having returned, they are interfered with by any disturber of the peace, it is intimated that the American authorities should protect the rights of the friars and the wish of the people.

THE RELIGIOUS ORDERS MUST GO.

In the course of his next communication to Cardinal Rampolla—a long and elaborate discussion of the whole subject—Governor Taft brings the issue to a head by proposing a formal contract for the purchase of the friars' lands upon specified conditions.

By the next condition it is to be agreed on behalf of the Pope that all the members of the four religious orders of Dominicans, Augustinians, Recoletos and Franciscans now in the islands shall withdraw therefrom after two years from the date of the first payment upon the purchase price of the lands under this agreement. A sufficient number of them, it is provided, may remain to continue the schools, university and conventual churches now conducted by them until the close of such two years, when they shall withdraw. It is further provided that the remainder shall withdraw from the islands, one-half within nine months after the first payment of purchase money and one-half after eighteen months. An exception is made in favor of any member of these orders who has been able to avoid the hostility of the people and to carry on his duties as parish priest in his parish outside of Manila from August, 1898, to the date of this agreement. It is certain that such a priest is popular with the people, and it is not desired to separate him from them.

This exception is not extended to friars who have acted as parish priests in the city of Manila, because no such inference of popularity can be drawn as to them from their immunity from molestation in a city always occupied by American forces. It is further in effect agreed that no Spanish members of these orders shall be substituted for those withdrawn. The only purpose that the American government has in proposing this condition is to secure political peace and an absence of disturbance.

The most careful consideration has been given to what is said in the communication of the Holy See in respect to the religious orders in the Philippines and the means proposed to be adopted by the Holy See for avoiding the antipathy which the regulars now encounter in the islands, but with the utmost deference, it seems to the Philippine government that the means are not adequate to meet the emergency which alone justifies it in taking any interest in the matter. Nothing will calm the fears of the people and nothing produce contentment with church and government except the definite knowledge from such a contract as that here proposed that the Spanish friars of the four orders are to leave the islands at a definite time, and are not to return to the parishes or exercise from Manila a controlling influence there over the parish priests. It is hoped that in view of these facts, which are recited not to reflect on the friars, but only to show the *de facto* condition, the Holy See will deem it proper to assent to the proposed provisions on this subject.

THE ROMAN CHURCH CANNOT PROMISE TO WITHDRAW FRIARS.

The issue thus squarely presented is in Cardinal Rampolla's reply directly met. The Holy See finds it impossible to admit that which is proposed in relation to the religious of Spanish nationality in the archipelago.

It is very easy to prove that the Holy See can not accept the proposition of the Philippine government to recall from the archipelago in a fixed time all the religious of Spanish nationality—Dominicans, Franciscans, Augustinians, Recoletos, and to prevent their return in the future. In effect such a measure, not justified by a reason of force majeure would be contrary to the positive rights guaranteed by the treaty of Paris, and would put, consequently, the Holy See in conflict with Spain, who would have every reason to protest. Much more, such a measure would be, in the eyes of the Filipinos and of the entire Catholic world, the explicit confirmation of all the accusations brought against the said religious by their enemies, accusations of which the falsity, or at least the evident exaggeration, can not be disputed.

Finally, if the American government, respecting as it does individual rights does not dare interdict the Philippine soil to the Spanish religious of the four orders above named, how could the Pope do it, he the common father of all, the support and born defender of the religious? On the other hand, without having recourse to this violent and extremely odious measure, the means which the Holy See counts upon taking are sufficient to set aside any fear or any preoccupation. The number of the Spanish religious remaining in the archipelago has much diminished, and as I had the honor to say to you, Mr. Governor-General, in my memorial of the 21st of June, the Holy See will try to introduce therein religious of other nationalities, and particularly, as much as possible, of the United States of America, and to confide to them the parochial ministry, hardly will they be sufficiently instructed in the language of the country. Besides, the representative of the Holy See will carefully see that all the religious of no matter what nationality, order or congregation consecrate themselves exclusively to their spiritual work, without inserting themselves in any way in political questions, and in abstaining from any opposition to the established power.

This result will be all the more easy to attain since the resources of the religious will remain under the control of the supreme authority, to be devoted also to the spiritual needs of the church in the archipelago, besides which the representative of the Holy See, in accord with the diocesan authorities, will not permit the return of the Spanish religious of the above-named orders in the parishes where their presence would provoke troubles or disorders; that if in such and such parishes, the totality or the great majority of the population desiring the return of the religious, certain disturbers should seek to create obstacles and difficulties, the Holy See again expresses its confidence that the American authorities will know how, by the ordinary means of justice, to protect the rights of the religious and the will of the population.

WITHDRAWAL OF FRIARS ESSENTIAL.

The Holy See, under pressure from the powerful religious orders, could not, or would not, promise definitely the non-return of the friars, and the American government, in the absence of this pledge, could not, or would not, agree to purchase the friars' lands. But it seems clear from the expressions used by Cardinal Rampolla that the Holy See is disposed, as far as it may be able, to bring about the very conditions which it does not feel that it should directly promise. Further negotiations are transferred from Rome to Manila by a communication from Secretary Root, submitted to the Holy See by Governor Taft as part of his final presentation of the American case. Secretary Root says:

I am much gratified by the expression of intention on the part of the Holy See to take the measures which are indicated by Cardinal Rampolla's memoranda of the 22d of June and of the 10th of July to recall the religious in the Philippine Islands to the life proper to their institutes, and to an exclusive devotion to spiritual ministry, abstaining from any kind of interference with things appertaining to the civil authority, and to introduce as much as possible the religious of nationalities other than Spanish, and particularly the religious of American nationality, and to concede to them the parochial ministry as soon as they shall be sufficiently instructed in the languages of the country. These measures, so plainly indicated as wise by the recognized facts in the Philippine Archipelago, are quite independent of any business or monetary consideration, and I feel that such contribution as you have been able to make to a full understanding of the facts, and the development of the purposes described, is sufficient compensation for your visit to Rome. It is believed that there will result a sure basis of mutual consideration and just treatment in the future relations between the church and state in the Philippines in regard to all specific questions which will have to be settled there.

Regarding the withdrawal of the members of the religious orders from the Philippines, it should not be understood that the Philippine government is asking to

modify or in any manner affect the conduct of religious matters on the part of the Holy See, or on the part of the heads of the orders, or for any compulsory exclusion or proceeding whatever. It is rather that the Philippine government desires social results which it deems of great importance to the welfare of the Philippine people, and which can be accomplished only by the withdrawal of this class of persons who have fortuitously been thrown into special and antagonistic political relations with the people. That government has proposed an arrangement which it supposed to be very advantageous to the church, and worth its own while to carry out, if the ecclesiastical authorities having the direction of the religious orders should see fit voluntarily to withdraw them from the islands. Such a voluntary withdrawal can not be considered a violation of any rights under the treaty of Paris or otherwise, or any reflection either upon the nation or upon the orders to which the persons withdrawing happen to belong.

The reasons making the withdrawal desirable are not religious or racial, but arise from the political and social relations which existed under the former government, and which have created personal antipathies menacing to the peace and order of the community. Such a voluntary withdrawal would not involve any confirmation of any accusations against the persons withdrawing or the orders to which they belong; and it is to be observed that we have made no such accusations. It would simply recognize the existence of the conditions which for several years past have been and now are preventing these particular agents from serving the church in the stations to which they were assigned and which would make their re-employment injurious to the community. In this matter the United States representatives in the Philippines are merely endeavoring to meet the wishes, as well as the needs, of the Philippine people.

It is not the United States government which objects to the presence of the friars; it is the Catholic population of the Philippine Islands. The lay Catholic population and the parish priests of native and non-Spanish blood, are practically a unit in desiring both to expel the friars and to confiscate their lands out of hand. This proposed confiscation without compensation of the church lands was one of the fundamental policies of the insurgent government under Aguinaldo. Recognizing the intensity and practical unanimity of this feeling among the Filipinos, and at the same time desiring to avoid causing loss to the church, the United States government representatives proposed to pay for the lands out of the public funds if the friars would retire from the islands and give place to other religious of their own faith who might be able to accomplish for their religion what they themselves had so signally failed to accomplish. In making this proposal the United States representatives were well aware that financially it was only of benefit to the church, for the lands are unproductive and held in adverse possession by the natives, who refuse to pay rent, while the former congregations of the objectionable friars now refuse to receive them, and they could only be henceforth restored to their parishes by such affirmative governmental action as under our Constitution can not be taken.

While it is to be regretted that the authorities having control of the religious orders do not see their way to make a definite agreement for the withdrawal from Manila of the friars formerly in the parishes, yet it is hoped that pending the settlement of these various matters they will reach the conclusion that it is wise to do the same thing of their own motion and irrespective of any agreement to that effect. However that may be, you should assure the authorities of the church that we shall at all times do all in our power to continue the good understanding already reached and to agree upon such action as shall be for the benefit of all; and further assure them of our high appreciation of the courtesy and consideration with which the expression of your views and wishes has been received.

HAVE THE FRIARS TITLE TO THEIR LAND HOLDINGS?

(2) In the instructions given by the President to the Taft commission was the following direction: "It will be the duty of the commission to make a thorough investigation into the titles of the large tracts of land held or claimed by individuals or by religious orders; into the justice of the claims and complaints made against such landholders by the people of the island or any part of the people, and to seek by wise and peaceable measures a just settlement of the controversies and redress of the wrongs which have caused strife and bloodshed in the past."

In pursuance of this direction and as a test case the commission first investigated specifically the contested title to the lands and buildings of the College of San Jose at Manila, property worth about \$500,000. On the one hand it was contended that this college and its property had been completely under the control and administration of the Spanish government as a public institution, and passed by virtue of the treaty of Paris to the United States, to be maintained by it on a non-sectarian basis for the benefit of the Filipino people. On the other hand it was claimed that the property under the canonical and civil law had always been subject

to the ultimate control of the Catholic Church for sectarian charitable purposes, a control exercised by the King of Spain only by virtue of a concordat between him and the Pope. The commission announced its conclusion that the claim, adverse to the alleged right of the religious control of the college, had sufficient basis to require its submission to judicial decision. Suit was authorized before the supreme court of the Philippines to determine the question of title, and the probability was suggested that the Congress now in session at Washington would confer (as it has now in fact conferred) upon the Supreme Court of the United States jurisdiction to consider appeals from the supreme court of the Philippines. "The present case, involving a construction of the treaty of Paris and the effect upon public trusts of a transfer of sovereignty from a kingdom in which church and state were united, and one might almost say inextricably fused, to one in which church and state are kept entirely separate, is of such importance as to make most appropriate the submission of the issue to a court of the dignity, learning, ability and commanding jurisdiction of the Supreme Court of the United States." This suit has been brought before the supreme court of the archipelago, but has not been pushed, being held in abeyance pending direct negotiations concerning ecclesiastical property between the Philippine government and the Vatican. The Philippine commission in its report covering the period between December 1, 1900, and October 15, 1901, refers to the San Jose case, and says: "There are other controversies likely to be brought into the courts of the islands between the Catholic Church and the insular government in respect to the title to and the administration of trust or other property. The intimate association between the Spanish government and the Catholic Church, and the difficulty of separating what is civil and what is church property, is so great and presents questions of such delicacy from a political standpoint that we recommend that in all such cases an appeal be granted from the supreme court of the islands to the Supreme Court of the United States." [Such appeals are authorized by act of July 1, 1902. See appendix.]

A TRIBUNAL TO TEST THE FRIARS' TITLES.

Thus a general tribunal is provided for the trial of public land title cases, and presumably recourse could be had to the same court by private individuals contesting the title to any lands claimed by the monastic orders.

There is some difference of opinion concerning the extent to which this examination into titles will deprive the friars of their present holdings.

The Taft Philippine commission in its report of November 30, 1900, says:

With these exceptions (wild lands in northern Luzon and Mindanao) the lands held by the friars have been theirs for more than a generation, and they have owned most of the valuable estates for one or two centuries. In few instances, it is believed, can their ownership be successfully attacked in law, for prescription has supplied any defect which might have been in their original titles. This is the concession of Don Felipe Calderon, one of the brightest of the Filipino lawyers, and most prominent in his opposition to the friars, though he suggests that the friars had such power to defeat claims against them under the Spanish regime as to furnish a just reason for suspending the operation of prescription. The suggestion is not, however, believed to be a tenable one. Moreover no adverse claimants to agricultural lands held by the friars have appeared before the commission or the courts, except certain tenants of an estate lying near Calamba in the province of Laguna, and the issue made by them can be readily settled in the ordinary tribunals.

General MacArthur in his final report as military governor (July 4, 1901) attaches more weight to the claim of a suspension of prescription in these cases. He says:

In respect of inquests into the titles to real property held by the orders, the useful and effective remedy would seem to be through the courts. If, in final aspect, the interests involved are found sufficiently comprehensive to justify such action, special courts might be created to try issues so presented. If property has been obtained from towns, corporations or individuals by means of intimidation, open violence or fraud, as is frequently alleged, its long possession without challenge must be regarded as a consequence of duress, as courts wherein such issues could be tried did not exist prior to American occupation. Whatever title might, under normal conditions, have attached from prescription and occupation, could not now be effective to bar proceedings before American courts. Parties of interest, either municipalities, corporations or individuals, having inherited claims against religious corporations, would thus have a forum wherein to initiate proceedings in their own behalf, with the certainty of obtaining therein the useful effect of absolute justice.

An inquest initiated by the government for the purpose of examining all titles held by religious corporations with a view to voiding all found attained by fraud would mean endless discord, political rancor and religious resentment that might extend to the United States, and in the end might possibly be found entirely ineffectual to accomplish the purpose intended.

BREAK UP THE VAST ECCLESIASTICAL HOLDINGS.

(3) On the whole it is likely that the friars can be deprived of little of their agricultural holdings through the hostile claims of individuals. The total amount of their claimed property of this kind is 403,000 acres, of which more than 300,000 are in densely settled provinces of Luzon. Their annual income from this land has never exceeded \$450,000, Mexican, or about \$225,000 in gold. No rents have been collected by them for the last two years, the occupants of the land in some cases paying rents or taxes to the insurgent government. The monastic orders have placed title to this property in trustees, facilitating its transfer, and there have been intimations of a willingness to dispose of the land to the government at a reasonable price.

Assuming that the bulk of this property will, after the title to it has been tested, remain with the monastic orders, the Philippine commission proposes a wise and practicable plan of ridding Luzon of the evil of alien landlordism that is involved in these extensive ecclesiastical holdings. In its report of October 15, 1901, it renewed its recommendation of the previous year that it be given authority to issue bonds with which to buy up the agricultural holdings and other property of the religious orders. The report says:

Now that peace is being restored and civil courts are exercising ordinary jurisdiction, the necessity for removing this firebrand from the important provinces of Cavite, Laguna, Bulacan and Bataan cannot be overstated. Under the military regime it was entirely possible by military order for military reasons to forbid the owners of these lands from attempting either to collect their rents or to oust their tenants; but now no such arbitrary remedy is available, and the only course which is feasible is the one suggested. The commission believes itself in a position to say that there is a willingness on the part of those who have control of this matter for the religious orders to negotiate and part with all the land to the government at reasonable prices. As it has already stated in its former report, the commission believes that the transfer of the property and its sale in small holdings to the present tenants, on long payments, might be effected without loss, and that this solution would be very satisfactory to all the people. The commission should be authorized, in case its view of the matter is approved, to issue bonds in an amount sufficient to buy the lands, and should be required to hold the proceeds of the sales of such lands, as a sinking fund, to meet the obligations of the bonds. We earnestly recommend this course. The matter is a pressing one, for the action of the courts in enforcing legal decrees in favor of the real owners of the land against the tenants will be a constant source of irritation, riot and lawlessness in the provinces where the land is, and this will lead to distrust and uneasiness everywhere.

The Secretary of War in his report of 1901 approves this project. He says:

One of the purposes for which the borrowing of money should be authorized is the acquisition of tracts of land held by religious orders in the islands. * * * Three

religious orders, the Dominicans, Augustinians and Recoletos, who were established under Spanish rule, had at the time of American occupation a holding of about 403,000 acres of agricultural lands. These lands are occupied by a native tenantry intensely hostile to the friars, and that hostility is unquestionably shared by the vast majority of the people of the islands. The relation of these landlords to their tenants and to the entire people was one of the chief causes of irritation and rebellion under the Spanish government.

The new conditions make it manifestly for the interest of the religious orders that they should convert into money this property, which they can manifestly no longer peacefully enjoy or practically make useful. At the same time the peace and order of the community, the good will of the people toward the government of the United States, and the interest of an effective settlement and disposition of all questions arising between the church and state in the islands, make it equally desirable that these lands should be purchased by the state and that title upon proper and reasonable terms should be offered to the tenants or to the other people of the islands. For this purpose it will be necessary that money should be obtained from other sources than the ordinary revenues of the Philippine government. The receipts from sales of the lands to natives can be devoted to the payment of any bonds issued to raise money for the purchase.

The policy of buying the friars' agricultural lands was vigorously advocated before Congress, and, even before the national legislature had approved the project, the negotiations with Rome, already described, were begun, which coupled government purchase of the friars' lands with non-return of the friars themselves, thus killing two birds with one stone. By the act of July 1, 1902 [see appendix], Congress authorized the land purchase plan.

SATISFACTORY SOLUTION OF FRIAR PROBLEM EXPECTED.

While no definite settlement has yet been reached of any phase of the question so vital to the welfare of the Filipinos, "Whether they are to be subjected again to the domination of the friars, and whether they can readily acquire an individual interest in the soil upon which they live," yet the tendency of declarations and events is decidedly encouraging, and the drift is now strong toward the non-return (with perhaps a few exceptions) of the Spanish friars, toward judicial inspection of ecclesiastical claims to property, toward the purchase or condemnation of land to which the friars have valid title, and toward the absolute elimination from the archipelago of the evil of ecclesiastical absentee landlordism. Congress having approved the project of purchasing the friars' agricultural lands, Governor Taft is vigorously urging the American proposals in negotiation with Archbishop Giam Battista Guidi, whom the Pope has chosen as apostolic legate to the Philippines. The proverbial wisdom of the Roman Catholic Church can hardly fail to work out a conclusion of the matter which will relieve it from occupying the friars' relation toward the Catholic Filipino people of feudal lord toward his retainers, hated as a ruler, hated as a landlord and hated as a man. The pressure applied by the four powerful monastic orders affected is great, but the necessity of church representation and ecclesiastical conditions in the Philippines which will be acceptable to the Filipinos and not detrimental to peaceful American control, is paramount. While an earnest effort will doubtless be made to test to the fullest extent the acceptability or non-acceptability of the individual Spanish friars in their respective parishes, there is reason to believe that in general the Roman Catholic Church in the Philippines will in its own interest be administered after the fashion and methods and through the personnel of the church in the United States rather than that of Spain.

Meanwhile the popular hostility to the friars in the Philippines is as strong as ever. Dr. T. H. Pardo de Tavera, one of the three Filipino

members of the Philippine commission, says in the January, 1902, number of the North American Review :

The principal benefit resulting from American sovereignty in the Philippine Islands has been the liberation of the Filipinos from the sad and hated political intervention of the friars. The system employed by Spain to assure her domination in the country by means of the religious orders is well known. Americans are not able to understand what the friar really is, because they regard him purely from the religious point of view, and in the Philippines the religious side in the friar is one of the very least importance. To understand his role in these islands it is necessary to recall the part which he played in Spain in the time of that terrible King Philip II, when the Inquisition and the intolerance of the monks controlled with iron hand all the social, economic and political machinery of the Spanish state.

On December 30, 1901, services were held in the various provinces commemorative of Jose Rizal, the Filipino author and martyr. The memorial celebration in Manila took place on the Luneta, where Rizal was executed December 30, 1896, by the Spaniards at the instance of the friars. The memorial procession, which was honored by an address from Acting Civil Governor Wright, was chiefly remarkable for the intense hatred displayed toward the friars. When passing the Augustine monastery the processionists cried: "Your power is dead! Go home! We don't want you here! The blood of the martyred Rizal is avenged!"

It is reported from Roman Catholic sources that in 1902 the native priests in painting or ordering pictures of the devil for church use represented him as clothed in the garb of a friar.

A pointed warning of the wisdom and necessity of the most thoughtful and considerate handling of its Philippines problem is given to the Roman Catholic Church by the revolt against the authority of the Pope by a number of the anti-friar native priests, headed by F. Gregorio Aglipay. This movement for an independent Catholic Church has gained considerable popular support, and is evidently causing the papal legate in the Philippines much uneasiness. If the Roman Church had adopted promptly the conciliatory policy toward the Filipinos which was urged upon it in its own interest in 1900, the Aglipay schism would doubtless have been impossible.*

*In his report of November, 1902, Governor Taft says of the Aglipay revolt: Gregorio Aglipay is an Ilocano, and was an ordained priest of the Roman Catholic Church in these islands before the insurrection. During the insurrection he continued his priestly functions at Malolos and took such action as to bring him into conflict with the hierarchy of the church. Subsequently he assumed the leadership of the insurrecto forces in Ilocos Norte and carried on a very active campaign in the mountains of that province. He was one of the last of the leaders to surrender with his forces in north Luzon. Since his surrender he has been quite active in spreading propaganda among the native priests against the so-called friar domination of the church in these islands. The definite refusal of the Vatican to withdraw the Spanish friars from the islands was made the occasion for the formation of the Independent Filipino Catholic Church.

Padre Aglipay has secured the active and open co-operation of a number of native priests, fifteen of whom he has appointed bishops, himself having the title of archbishop. He has held mass in many different places in and about Manila; his services have attracted large gatherings of people. Most of the churches in the Philippine Islands were built by the labor of the people of the respective parishes and devoted to the Roman Catholic Church; but the people have a sense of ownership, and when a majority of them separate themselves from the Roman Catholic Church and accept a new faith it is difficult for them to understand that they have not the right at once to dispossess the priest of the Roman Catholic Church and place in custody and use of the edifice their newly made cure. In order to prevent constant recurrence of disturbances of the peace I have had to take a firm stand with the leaders of the movement by impressing upon them that forcible dispossession of a priest of the Roman Catholic Church, for years in peaceable possession of the church and the rector's house, is contrary to law, and would be prevented by the whole police power.

The feeling against the friars, which has already been referred to in a number of reports, lends strength to this movement.

CHAPTER V

THE SOUTHERN PHILIPPINES

Surprising and Impressing the Sultan of Sulu—Moro Spear Dance, Kris and Jabul—American Big Guns and Rifles, Ships, Soldiers, Electricity and Ice—A Day in Mahometan America—The Sultan and His Dattos—His Treaty With General Bates—He Would Like to Visit the United States.

JOLO, SULU ARCHIPELAGO, January 17, 1900.

When the Senate ratified the treaty with Spain we annexed, in addition to other acquisitions, a half million followers of Mahomet, a miscellaneous assortment of sultans, dattos (chiefs) and their followers, a nineteenth century reproduction of the feudal system which regulates their relation to one another, and certain fruitful and beautiful tropical islands which they inhabit.

The Sulu Archipelago proper, Mindanao and Palawan (for the exact location, size and population of which see the geographies and the encyclopedias), contain the bulk of the Moros or Mahometan Filipinos.

The conditions of the problem set for us in this part of the Philippines differ widely from those which confront us in Luzon. Here are no insurgents and no friars to vex us; but in their place Mahometan polygamy and the semi-slavery of the feudal system promise the possibility of trouble for the future.

Spain's sovereignty here, to which we have succeeded, though fully recognized, was exceedingly feeble, and was bolstered up by agreements with and concessions to the Moro sultans or dattos, and especially the potentate who lives on this island of Jolo.

The sultan of the Sulu Archipelago claims political and religious jurisdiction not only over that group of islands, among which he includes Mindanao, but also over Palawan and North Borneo. His religious control, as representative of the prophet, is more widely recognized than his political and military sway. Mindanao, which has sultans of its own, does not recognize him at all. Palawan also has a sultan. Even in the sultan's own island of Jolo there are dattos who, while grudgingly owning allegiance to him, like the most powerful of the barons of the middle ages, believe themselves stronger than their liege lord, and quarrel with him, and are entirely ready to fight their nominal superior. The sultan has, however, in the Sulu group 120,000 people and 20,000 fighting men, of Mahometan contempt for death and of piratical and blood-letting tendency and inclination, who would probably respond enthusiastically to his call to arms, especially if a holy war were declared: so that, in spite of his troubles as a ruler, he is entitled to receive and has received a certain degree of consideration from the meddling Americans who have intervened so recently and so vigorously in Asiatic affairs.

Through the wise diplomacy of General Bates and the tact of officers serving under him in dealing with the problem the relations between the United States and the Moros are distinctly amicable, and a dangerous period in the history of American operations in the Philippines has been safely passed. With the Tagalogs on the warpath it was essential that the Moros should not become actively hostile. With the Sulu sultan, who had expected to succeed to Spanish sovereignty in the Sulu group, and who was disappointed and sulky over the advent of the Americans, General Bates succeeded in making a written agreement, subject to the

approval of the President and Congress, renewing several of the features of the treaty by which Spanish sovereignty had been recognized. General Bates has also given verbal and effectively pacifying assurances to other sultans and dattos, as, for example, of religious liberty under American control. The Moro idea of a Christian, based on their experience with the Spanish, pictures a fanatic whose highest aspiration is to cut down the hated Moslem in the same fashion that their own juramentadoes seek with certain confidence the joys of highest heaven through a death achieved while slaying Christians. A Christian proclaiming religious liberty is inconceivable to them and unrecognizable by them. And thus it happened that the Sultan of Sulu assured his people that the Americans were not Christians, but Presbyterians, and our sovereignty is for the time throughout all of the Mahometan Philippines cheerfully accepted.

As evidence of mutual confidence the Moro, when he enters a city like Jolo, the American headquarters in the Sulu archipelago, disarms at the gate; and so when the American officer or soldier goes out into the country, as from Zamboanga, he also lays aside his arms. The policy of disarming the Americans has the additional advantage of removing temptation from the individual and unregenerate Moros to ambush and murder scattered officers or soldiers for the sake of securing their revolvers or rifles, which are much coveted and highly prized among this fighting race.

JOLO FESTIVITIES.

The 16th of January, 1900, was a great day for Jolo. An army transport was in the harbor, bringing to the American officers stationed there the second installment of women visitors recorded in the red-letter chronicles of the American military occupation. The Sultan of Sulu, whose shanty-palace was at his nipa-hut capital of Maibun, some twelve miles away, on the other side of the beautiful little island of Jolo, was also a guest. And these distinguished visitors were to be brought together in an irresistible combination of Asiatic and American royalty, the great occasion being celebrated both by Moro and American festivities.

Our party landed early from the transport, the launch scattering the native canoes with outriggers which hung about the ship, displaying Moro products for sale. Jolo boasts a light house and stone pier, and on landing there we were met not only by representatives of the American officers, but by Jolo's native chief of police, with the coat-of-arms of the United States conspicuously displayed on his brass-buttoned jacket, and by a delegation of private citizens of both sexes, all sizes and every degree of nakedness.

Jolo is a miniature walled town, with broad, clean, tree-lined streets. It has room within its tiny inclosure for a population of a few hundred, and is surrounded by a loopholed wall eight feet high. Its cleanliness, airiness, public structures, flowers and foliage make it exceedingly attractive. In its improvements it is primarily a monument to the energy and wisdom of the Spanish general, Arolas, who, being sent here by Spain as a pestiferous liberal to take his chances of life in a recognized pest hole, instead of dying, as might have been expected, drove the disease-producing conditions from Jolo as readily as he expelled the Moros at the bayonet's point from Maibun.

A very broad street, as wide as Pennsylvania avenue in Washington, leads from the pier straight to the south wall. It serves the purposes of

a plaza and of a parade or review ground for Jolo. This was the scene of the main festivities of the day, beginning with native dances, to be followed by a review of the American troops.

PICTURESQUE MORO VILLAGES.

Before the formal celebration began we visited two native villages adjacent to Jolo. Passing through the picturesque main gate of the city we saw, just outside, the Spanish disarming station, now used as a bolo (knife) market. This station is a raised pavilion inclosed in wire network. In the old days the Spanish soldier stood, as it were, in his cage and received the knife of the Moro before he entered Jolo. This precaution was taken after several Spanish soldiers had been cut down by Moros during the process of disarmament. The pavilion is still a disarmament station, but the inducement thereto is no longer a threatening rifle, but the allurements of gold or silver coin. The barong, with its short, heavy, effective blade and its hilt of carved wood, ivory or silver; the kris, with its wavy, twisting, fascinating blade, and the same varieties of hilt as in the case of the barong; and the campilan, with its long blade, broadening in eccentric shape at the point, and with its elaborately carved wooden hilt adorned by bells and stained horse hair, were sold in large quantities and at a notable advance over the market price to the members of our party. In our humble civilian way we have contributed conspicuously and effectively to the disarmament of the Moros.

Next we proceeded to the nipa-hut fishing village of Bus-Bus, with the few owners of unsold barongs and krises following in our train. On land Bus-Bus consists of a single narrow, filthy, ill-smelling street, which was now for its entire length a native market, where brilliantly colored fish, fruits and vegetables were exposed for sale, and where our party loaded itself down with spears, parrots, monkeys, hats, mats, sarongs, jabuls, cocoanuts, bananas and mangosteens. The Bus-Busites swarmed about us in every condition of dress and undress. There were many samples of the characteristic native costumes, with the sarong and jabul for the women and tight-fitting trousers, small jacket and voluminous sash for the men, but the most frequent costume of all showed as its dominating characteristic the brown skin of the native unadorned. Most of Bus-Bus is a water city, a collection of nipa huts, built far out into the bay on piles, and approached by a single long, narrow, rickety bamboo bridge. Bus-Bus is as safe from attack by land as the villages of the lake dwellers of Europe of an earlier age.

On the other side of Jolo we visited a second native village called Tulei, which boasts the house at which the sultan stops when visiting Jolo, and is the scene of the cock fighting, the absorbing popular pastime here as in Luzon.

The cock fighting which we saw at Tulei took place in a sort of bamboo pen. A fragile bamboo framework formed an overlooking gallery. As in much of our own horse racing the gambling connected with the sport is the main attraction, and the betting is even more fast and furious than the fighting. A long, razor-edged, murderous gaff is attached to the left foot of the fighting cock, and as a rule one of the combatants is killed in a few seconds. Cock fighting is not permitted in Manila, but is allowed in Cavite on Sunday, and nearly every male native passenger on the Cavite ferry boat on that day carries a game cock under his arm, which he brings back in the evening either with feathers victoriously ruffled or picked and ready for the pot in sign of defeat. The game cock is unquestionably the national bird, the eagle emblem of the Philippines.

There was far more excitement and enthusiasm over the fighting cocks at Tulei than over the sultan himself.

At Tulei we visited a hut where, with crude looms, Moro women were weaving cloth for sarongs and sashes, and others were making rude clay pottery. Delicate materials, like the jusi and the pina, made out of the pineapple-leaf fiber by the Visayans and the Tagalogs, are not produced here.

MORO SPEAR DANCES.

The native dances took place in the plaza in the welcome shade of tall trees of tropical density of foliage. The spectators formed a circle. Chairs protected from the surging crowd by a rope occupied a section of the ring and were used by the American women and other distinguished visitors. Moros in every variety of picturesque attire, further diversified by an occasional soldier, rounded out the circle and supplied an exhibit almost as interesting as the dancers themselves. On the Moro side of the circle was the native tom-tom orchestra. Two wooden drums were beaten by men's hands. Three gongs, suspended from a rope at regular intervals, were struck by sticks tightly bound with cords to muffle the sound. Eight small copper-covered pots, standing on cords above a hollow wooden box, were beaten in an intended tune by bamboo sticks.

In the center of the circle were placed a large, heavy wooden shield and a long spear with bells at the handle. The first actor dancer was dressed in the customary tight trousers and jacket, a brilliant sash with his barong thrust through its folds, and a turban made by folding a bright-colored square of cloth. The sleeves of his absurd little jacket were long and came well down over his hands, as if he had outgrown the garment in body, but had shrunken in length of arm. The dancer picked up the spear and shield, looked quickly to the right and left for his imaginary antagonist, caught sight of him, and advanced with spear pointed toward him, protecting himself with the shield. He circled around his enemy, thrusting again and again, glancing over his shield with a fierce and cunning expression to note the effect of his blow and to aim another. Finally, a well-directed stroke placed his enemy at his mercy. Unsheathing his barong he decapitated his antagonist and retired in triumph.

In the next war dance two men participated, each with shield and spear, and they imitated in every detail the actual battle, glaring ferociously, advancing, dodging, thrusting, parrying with the shield, until one gave way, and the victor strutted from the ring amid the loudest cries of the Moro bystanders, who had kept up a constant shouting during the whole encounter.

Then followed peace dances, in which men, women and children appeared in succession. A mat was spread in that part of the circle where the shade was deepest. The orchestra emitted its doleful notes. The women, who were the most interesting in this dance, glided two at a time upon the mat and began a performance of Delsarte posturing with the hands and arms, to which an extraordinary undulating movement was given, writhing, twisting and turning in serpentine curves, bringing every muscle in these members into play, and apparently demonstrating that the dancers were boneless wonders so far as the hand, wrist and arm are concerned. The only other parts of the body which seem to participate even slightly in this so-called dance are the feet, which keep the body gliding slowly in a small circle while the arms are undulating.

In America and Europe the legs dance. In Egypt the body achieves so-called dancing. In Jolo the function is transferred still farther upward and the arms and shoulders have their day.

The women dancers were dressed in a long, straight skirt, falling to the ankle, a close-fitting, tight-sleeved jacket extending several inches below the waist, and a brightly colored straight garment, called the jabul, serving as a head wrap, and stretching over one shoulder and underneath the other arm, thence falling to the bottom of the skirt. The toes of their bare feet were pushed into heelless slippers several sizes too small, which were held in place in some miraculous fashion.

The performance concluded with more spear dancing by the men, including a snake dance, in which the performer indicated in pantomime the pain and horror of one bitten by a serpent, which had hidden under his shield.

THE SULTAN OF SULU APPEARS.

Word was now received that the sultan was really coming, and all the Jolo world moved toward the south gate in order to meet him. His majesty had exercised the royal prerogative of delay. He had been expected the day before, but in the afternoon his swordbearer, a comical manikin, galloped up to the commanding officer, Major Sweet, while he was with our party from the transport, shook hands enthusiastically with everybody, and announced that his majesty had found difficulty in securing the necessary horses and would not arrive until next day. The swordbearer thereupon returned to Maibun, bearing to the sultan, it is alleged, such accounts of the American houris then assembled at Jolo that his majesty proceeded forthwith to catch his horse and to gallop over in the evening to Tulei, just outside the wall of Jolo town. His reception was then fixed for the next morning, but as the hour approached his swordbearer again appeared and announced that his highness, who was fasting, was too feeble to endure excitement at that period of the day, but would undergo the ordeal in the afternoon.

Now, however, the sultan is really coming, and all previous disappointments are forgotten. We met his highness at the main gate, attended by his two brothers, his prime minister, Datto Calvi the Moro chief living nearest to Jolo, and a motley crowd of armed and unarmed retainers.

The procession, with its show of bright and, in some cases, of rich fabrics, its silver and ivory and gold in kris hilts and betel-nut boxes, and rubbing close against this richness its rags and filth and nakedness, sets Mother Goose's jingle to ringing in one's ears:

Hark, hark, the dogs do bark.
The beggars are coming to town;
Some in rags, and some in tags,
And some in a velvet gown.

We were introduced and shook hands with the sultan as informally as if he were Mr. Smith of Kalamazoo. His majesty is short and chubby, with a dark, puffy, pockmarked face, a thin mustache of the rudimentary Japanese type, which failed to cover an ugly mouth, and the dull eye of the blase, unenthusiastic Turk. His filed and betel-stained teeth are decayed and blackened. He wore a European suit of light gray, with white shirt and collar (but lacking tie and cuffs), tan shoes and a close-fitting black velvet turban. A very broad, loosely tied cotton sash encircled his waist, and was, in its breadth and in the extent to which it fell below the bottom of his coat, the incongruous element in his European costume.

He wore several rings, including a large pearl, a gold watch chain showed conspicuously outside his coat and he carried a black silver-headed cane.

The crown prince, the sultan's next younger brother, was much more alert and prepossessing in appearance. He was dressed in the picturesque native costume, varying it only by wearing a pair of black patent leather pumps. His barong, with its finely carved ivory hilt, attracted the eye.

The sultan and each datto had close at hand a servant, carrying a silver or brass box, in which were all the necessary ingredients for betel chewing. The youngest brother of the sultan was not deterred by the solemnity of the occasion from indulgence in the habit, and he chewed and emitted blood-red expectorations uninterruptedly.

The companies of the Twenty-third Regiment at Jolo were drawn up in front of the gate to salute in honor of the sultan. The stalwart, disciplined, well-armed and effective soldiers contrasted conspicuously with the miscellaneous, irregularly armed rabble which attended the sultan.

The party now proceeded to the plaza, where the companies paraded and were reviewed. When the "Star Spangled Banner" was played, and also when the flag passed, the sultan and his retinue stood up with the other Americans.

After the dress parade the sultan and dattos and some of the attendants were taken out on the launch to the transport, and just before we reached the ship seventeen guns were fired from it in salute. We were so close at hand that the reports jarred severely upon the sultan's nerves. At the first reverberation he grasped a post of the launch with one hand and braced himself against his seat with the other. He is not, however, unfamiliar with heavy gun firing, having been saluted by other American ships and by the British at Singapore.

It was explained to the royal party on the launch that the guns which made so much noise were comparatively small affairs; that some of the American guns were as long as the launch itself, and could shoot from Jolo harbor to Maibun. This statement created an obvious sensation.

On the transport the sultan fired one of the six-pounders, and with his party inspected the entire ship. The Moros were most impressed by the electric light, which some of them hesitatingly felt to see if it would burn; and the electric fan, the breeze from which was a mystery and a source of joy.

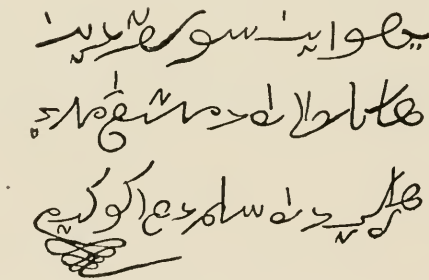
At six o'clock the sultan could break his fast. So at that hour his party was escorted to the ship's saloon, that it might enjoy a light luncheon. The royal fast was thoroughly broken. Judging from their achievements at table, the remainder of the party, as well as the sultan, had been fasting for an indefinite period. They held possession long past the dinner hour of the ship. After one Moro (not, however, at the sultan's table) had experimented with ice water and lived, he passed it to his table associates. They sipped it and forthwith all ordered ice water, but before drinking made a heavy drain upon the sugar resources of the ship in order to sweeten the beverage sufficiently. Ice itself was a fascinating mystery to them, to be touched only with fear and trembling, and after some officer in whom they had confidence had braved the danger. Some of them tried bold experiments with buttered bread, their first experience. All drank copiously of coffee and consumed with exasperating slowness vast quantities of cakes, raisins, nuts, small pickled onions and olives. It is to be hoped that no one of the Moro guests had

internal reasons later that night for suspecting that the Americans, under pretense of doing him honor, had tried to poison him.

HIS MAJESTY UNBENDS.

The sultan, who had been sullen and sulky in appearance until he had broken his fast, now blossomed out into cheerfulness and affability. He came up on deck and through his interpreter conversed with the Americans. He said gallantly that he could now form an idea of what America must be like after seeing this great ship and the American ladies upon it. One of the ladies aforesaid intimated that America was much grander than the sultan could imagine on the suggested basis, and concluded by saying that there were buildings in at least one of our cities that were twenty-one stories high. At this bit of statistics the sultan gave a distinct cluck, which may have been an exclamation of astonishment and admiration, or, on the other hand, may have indicated incredulity. The suggestion that the sultan should come to America and settle the matter by personal inspection was received by him with dignified enthusiasm. He wished very much to visit America, and hoped that some day he might be able to do so. He had been to Mecca, and wished to enlarge his travel experiences. The crown prince also showed a lively interest in the suggested American trip, and asked how many days would be required to make it.

Encouraged by this unbending with the representatives of the women of America, some of the ship's party inveigled the sultan into the captain's cabin and induced him to make for them a few autograph signatures, but he soon wearied of this labor. When he found that I came from the capital city of the republic he forwarded through me his greeting to the President of the United States in the following words:



Finally the royal party went ashore, and its entertainers rushed ravenously to the saloon.

The day's festivities concluded with a ball given at Major Sweet's headquarters by the officers of the regiment to the American women on the transport. The sultan's youngest brother represented the royal family on this occasion, the others being exhausted by the labors of the day. The youngster was accompanied by three of his retainers and the interpreter. He is nineteen and has only three wives in his palace. He is looking for another. He sat chewing constantly the betel nut and watching intently the waltzing couples. He expressed himself as highly pleased with the American dancing, and as enjoying the music much more than that of the Spaniards. The Spanish had, however, never invited him to a ball, he said. When refreshments were passed, he evidently viewed the ice cream with suspicion and distrust. The interpreter

explained to him that all American women were very fond of the dish, and that the ladies present were anxious that he should taste it. Thereupon he reluctantly put aside his betel quid and took two mouthfuls of the cream. He immediately pronounced the verdict: "It is very cold," and devoted himself to the cake, to which the sweet-toothed Moros seemed to take kindly.

Something of a cloud was thrown upon the day's enjoyment at the eleventh hour by the news that in his visit to the transport the sultan had lost or been robbed of his cane. The first report was to the effect that the missing article was his sacred cane from Mecca; that he had demanded that the ship be stopped and searched for it; that in the event of failure to produce it no compensation short of the annexation of the American women on the ship as additional wives would be satisfactory, and that lacking both cane and women he would promptly declare war. Later news, however, disclosed that the missing stick was not the sacred cane with jeweled handle, but a darker stick with a plain silver head. And our ladies breathed more easily.

The events of the day, in addition to furnishing entertainment and instruction to a few Americans through a novel experience, serve a useful and practical purpose in impressing upon the leading Moros the power and diversity of resources of the nation whose sovereignty they have recently recognized. The American influence over them is strengthened in proportion as they are moved to wonder and admiration by things American. Their impressions of the republic are practically all to be formed. Most of them have never before even heard of the United States. The trip of the sultan and a few of his retainers to Mecca represents the most extensive foreign travel of the ruling family. If the sultan himself is avariciously stolid, and subject only to the influence of money, the same is not necessarily the case with his brothers, who may succeed him, or with his chiefs and advisers. The ability of the Americans to sway the forces of nature, as demonstrated to the Moro mind in the applications of electricity and in the making of ice, creates as deep an impression as the show of military strength in the fine dress parade of armed giants and in the booming of the great guns. The indications of interest in and regard for the Moros have also a good effect. One of the hardest factors to be overcome in the real pacification of the Filipinos, which is to follow the war, is their resentment of contemptuous treatment by many of our soldiers, who, adopting the term from English residents in Manila, have systematically spoken of the Filipinos and treated them as "niggers." If we are to follow English example, we would be wiser to imitate the policy of the English officials in dealing with the native princes who hold relations with their government. A showing both of consideration and of strength and an appeal to the love of the spectacular are especially effective with Asiatic peoples. The suggested trip of the sultan and his brothers and a few of the most powerful dattos to America could hardly fail to have the most beneficial results in the maintenance of peace and good order in the Sulu archipelago and the continuance of amicable relations between Americans and Moros.*

*In connection with the St. Louis exposition of 1904, in which the Philippines are to make an elaborate and costly exhibit, it is expected at this date (April, 1903) that the sultan, with a limited number of his followers, will be brought to the United States. He will make an interesting exhibit for the exposition and will undoubtedly be profoundly impressed to his own advantage and to the benefit of American insular government, by what he observes of the population, wealth and power of the republic.

CHAPTER VI

MORO-AMERICANS

Evils of Semifeudal Slavery and Mahometan Polygamy—Make Haste Slowly to Cure Them—Datto Calvi's Protest Against New Customs Taxes for the Sulus—The Sultana's Phonograph.

JOLO, SULU ARCHIPELAGO, January 18, 1900.

The problem of a wise, just and beneficent American policy for the southern Philippines, which shall maintain American sovereignty, promote peace, and advance the interests and meet the reasonable public sentiment of the people both of the islands and of the United States, has not by any means been permanently solved. It is very easy indeed by thoughtlessness or by obstinate blundering, either here or at Washington, to overturn whatever has already been accomplished and to raise up troubles for us which will dwarf those that have confronted us in Luzon.

We have made a start in the right direction, and the good work of General Bates in securing by peaceful means the recognition of American sovereignty by the Moros is being supplemented apparently on the same lines of tact and judgment by the subordinate officers in command at Zamboanga and Jolo. Major Sweet of the Twenty-third Infantry, in charge at Jolo, whose record as a youngster in the civil war was that of a dashing fighter and not a negotiator, is apparently developing in his new field of labor into a suave diplomat.

When I asked Major Sweet what his general policy was in dealing with the Moros he replied: "One of conciliation and mild coercion, fostering amicable relations, seeking to lead and guide and not to drive. As a result we are steadily, if slowly, gaining and confirming their confidence and good will, in spite of the suspicion and distrust of the white race which their contact with the Spanish developed in them."

"Have you been troubled by the murderous juramentadoes?"

"No. The last case of this running amuck by Mahometans, who kill Christians until they are themselves killed, occurred toward the end of the Spanish occupation. They have never attacked us. Word was sent to the sultan that not only would any juramentadoes be promptly shot, but that he would be held responsible. He assured us that these fanatical murders would be suppressed. It was in this connection that he made the discrimination, of which you have heard, between Americans and Christians."

"Have you had occasion recently to intervene as adviser among the Moro chiefs?"

"A short time ago some Moros were publicly hacked to pieces at the neighboring village of Bus-Bus for stealing a few fish. I remonstrated with the chiefs concerned, represented that life was too precious to be taken away for so slight a cause, and urged that they were chiefs only in name if they could not prevent such butcheries.

"The strongest representations made to the Moros have been on the subject of the necessity of refraining from attacking Americans. The chiefs were urged, if they or their people had any grievance against American soldiers, to let me know and not to kill unless in self-defense.

They were assured that the murder of Americans would mean the coming of gunboats and of an army with disastrous results.

PECULIARITIES OF THE AMERICANS.

"In response to these representations the sultan issued a circular to his people, in which he pointed out the difference between the Americans and the Spaniards, and cited cases of kind treatment of Moro women by the former, which marked them as humane. He mentioned as a peculiarity of the Americans for the guidance of his people that when they wanted anything done they wanted it done quickly; and he warned the Moros not to kill an American under any circumstances. He indicated that the individual American did not represent himself alone, but that if one were hurt or killed all Americans rushed to his defense or to punish those who had attacked him. He likened us to a box of matches in which if one is struck and ignited the whole box goes off. His figurative warning seems to have been effective, for we have had no trouble whatsoever."

The agreement with the Sultan of Sulu stipulates that the freedom of slaves may be purchased at the market price, and President McKinley in his message to Congress, while approving the agreement, declares that it "is not to be deemed in any way to authorize or give the consent of the United States to the existence of slavery in the Sulu archipelago." It is clear that the subject is one of difficulty. Major Sweet, when questioned on this matter, said: "Slavery here is not the slavery of the south before the war or the peonage of Mexico. It is a mild form of feudal bondage. There is no cruelty based on the existence of the relation, no humiliating race or caste discriminations involved and no severe labor required. I believe that there is no transfer without the slave's consent. The agreement with the sultan seems to contemplate the gradual eradication of the evil by compensated emancipation."

NEW TAXES IN THE SULU ARCHIPELAGO.

By treaty between Spain, Germany and England free trade was established in the ports of the Sulu archipelago. When we succeeded to Spain's sovereignty the treaty became voidable, and is now terminated by us. We are gradually putting in force in the Sulu ports occupied by our troops the system of customs duties, adopted with some modifications from the Spanish regulations, which prevails throughout the rest of the Philippines. Major Sweet said on this subject: "There are no Moro merchants and the customs duties do not fall directly upon them. The Chenos (Chinese) are the retail merchant class of the east. They, of course, shift the weight of the duty as far as possible upon the Moros. I have recommended to General Otis a remission of the duty on rice for one year. Disease has swept away the cattle which are used to cultivate the soil of the island, and the people must have cheap imported rice in order to live.*"

*From Gen. F. H. Crowder's report, July 4, 1901:

Every consideration has been shown the people of the sultan by discontinuing until further orders the collection of industrial and urbana taxes and by suspending until December 31, 1901, the levying of all import duties on certain articles imported into the Jolo Archipelago. This exemption was for the purpose of enabling the inhabitants to recuperate their losses in cattle and certain products. The Philippine commission has by appropriate legislation rendered more effective that article of the treaty, which declares all trade carried on by the sultan and his people with the Philippine Islands shall be free and unlimited.

"The sultana, the sultan's mother, who has been of service to us through her good will toward the Americans and through her influence with her son, has asked the exclusive right to introduce Chinese tobacco into the Sulu archipelago. This request is in pursuance of the Spanish custom of creating such monopolies and of selling them or parceling them out among favorites. It is entirely inconsistent with the American system and had, of course, to be denied."

The sultana, to whom Major Sweet thus referred, is an intelligent, witty and very interesting woman. Unfortunately, she is old and infirm, and has not the strength to exercise frequently her undoubted influence with the sultan.

THE SULTANA'S "VOICE ENGINE."

General Bates had a phonograph purchased for the sultana, which Major Sweet sent to her. This machine talked Moro, repeating several passages from the Koran, and conversations in the same language concerning affairs in which the sultana was interested. The effect upon the royal audience when the phonograph began to declare itself in Moro is reported to have been tremendous. In view of the boyish enthusiasm of the learned and dignified members of the American Academy of Sciences as they listened with curiosity years ago to the metallic outgivings of the perforated tin foil of the first Edison phonograph in the Smithsonian Institution at Washington, any open-mouthed wonder displayed by semi-savages at a similar experience could well be pardoned. The sultana expressed her appreciation of the phonograph in a letter written in Arabic and marked by her seal, which reads as follows:

"This letter from your sister, the Sultana Inchy Jamela, to my brother, the Brigadier General John Bates, and to Major Sweet, the governor of Tiangy. I beg to inform my brothers that the voice engine you made me a present of has reached me, and that I shall look upon it as a heirloom. I am very grateful to you for the brotherly way you are treating me. You have placed me in your heart and I will also place you in my heart. I beg to send you my best wishes, and may God repay you for your kindness toward me. Written this 16th day of the moon Rajah, in the year 1317."

A ROYAL NEW YEAR GREETING.

But the sultana is not the only ready letter writer in the royal family. At the end of December, 1899, the sultan sent through Major Sweet a New Year greeting for 1900 to President McKinley, which has been duly forwarded and received, and which may consequently without impropriety be here recorded:

"This letter from your brother His Highness the Sultan Hadji Mohamad Jamalul Kiram to my brother, Major O. J. Sweet, Twenty-third Infantry, the governor of Tiangy (Jolo):

"I beg to send my heartiest New Year greetings to the President of the United States, also to yourself and all my brothers in Tiangy (Jolo), your adjutant, and the secretary and all the soldiers. May you all be prosperous and happy during the coming year, and may God assist you in all your undertakings, and may we become closer friends and brothers. I also beg you to be kind enough to give me a copy of the agreement in English, and also a flag for the purpose of sailing about with. If I can possibly manage it I shall pay you a visit today. Written this 28th day of the moon Shaaban (December), in the year 1317."

A MORO PROTEST AGAINST TAXATION.

While I was talking with Major Sweet at his headquarters Datto Calvi, the powerful Moro chief who lives nearest to Jolo and who has been a firm and effective friend of the Americans, appeared on the street with a small crowd of followers, and in an interview with him I obtained an idea of the Moro view of the burning question of the day in Jolo.

As we awaited the arrival of the interpreter Major Sweet showed the datto and his party a handsome sword (described as an American barong) and a gold-ornamented helmet. Cigars were offered and eagerly accepted and soon all the members of the party were smoking.

Datto Calvi has a clean-cut mulatto face of keen and attractive expression. He has closely cropped, straight black hair, a thin mustache and goatee, and his teeth are frightfully discolored. He was bareheaded and barefooted. He wore an unostentatious Moro business suit, consisting of a thin gauze shirt, tight-fitting canvas drawers for trousers, and several circumferences of many-colored scarfs at his waist. He carried the inevitable kris and wore a seal ring on his little finger. Close at hand was a boy bearing a silver box with the ingredients for betel chewing, to which the datto had frequent recourse.

While he sat smoking a belated member of his retinue or a messenger entered the room and collapsed prostrate on the floor in front of his bare feet before venturing to address him.

Finally the interpreter arrived, and through him I expressed my pleasure at meeting so powerful a datto and so good a friend of the Americans. Calvi replied: "I am not the most powerful of the dattos. The sultan is over all. But I am a friend of peace and of right."

I asked him what message he would like to send to the American President and people. He answered: "I am not the sultan. I cannot speak with full authority. But my message for my own people would be to call attention to the burden placed upon them by the import and export duties which the American government has recently imposed. These duties have increased the price, in some cases doubling or trebling it, of everything which my people buy—sugar, sarong, rice, tobacco, gambier, matches, etc.—rendering it almost impossible for the poor man to live. What he has to sell is cheapened by the export duty. If this taxation continues it will be necessary for the Moros to raise the prices of whatever they make or collect for sale—as copra, hemp, pearls, and shells, cocoanuts and fruits of all sorts."

The fact was here developed that Major Sweet had recommended remission of the duty on rice. Datto Calvi expressed gratification that this concession had been recommended, and hoped that the same course would be followed in respect to the other articles. He was pleased to have the opportunity of conveying his thoughts to the American people.

MINOR CASES ON THE DOCKET OF THE GOVERNOR OF JOLO.

Datto Calvi then discussed with Major Sweet several minor and personal causes of complaint, which may be noted as of interest in disclosing the kind of questions involving responsibility which come before American officers and military governors in the southern Philippines.

Calvi set forth that in a visit to an American transport before Major Sweet came to Jolo a kris had been stolen from him, and that the officer in charge of the transport (naming him) had promised either to recover the kris or to secure for him from the government a rifle. This officer was not now at Jolo. Calvi was anxious to get either the kris or the rifle before the matter had passed from memory.

Major Sweet said that this was the first time that he had heard of Calvi's loss, that he would write to the officer in question and inquire whether the kris had been recovered, and if it had not been found that he would ascertain what it was proper to do in the matter.

Calvi said that during the latter days of the Spanish occupation a Chinaman, who had married his Filipino slave, owed him (Calvi) a debt, and had promised that if this Filipino woman ceased to be his wife she should become the datto's property in payment of the debt. The woman had run away from the Chinaman, who was no longer at Jolo, and had married a Filipino. Calvi wanted from this latest husband either the money of the debt or the woman, whom he viewed as security for it.

Major Sweet said that he could not undertake to straighten difficulties which occurred during the Spanish occupation; but that he would cause inquiry to be made of the Filipino husband to see whether he was willing and able to pay something under the circumstances.

Some of Calvi's people had committed murder and robbery and fled to Sandakan, in north Borneo. Calvi wanted a pass which would enable him or his agent to go to Sandakan and get redress in the Borneo court. The pass was promised him.

Finally, Calvi explained to Major Sweet, in verbal response to a letter written to him concerning some government horses which had been stolen, that he had made every effort to get track of the horses, but that they were not to be found; that he did not believe they were taken by his people, but if this turned out to be the case they would be returned and the thieves punished. Further discussion of the matter developed the interesting fact that a follower of one of the sultan's immediate people had stolen some horses from one of Calvi's retainers; that redress had been demanded in vain and that in retaliation horses from the sultan's immediate jurisdiction had been taken by some of Calvi's people.

RETALIATORY ROBBERY.

Such quarrels over cattle, characterized by reprisals in robbery, are very apt to lead to bloodshed, and Major Sweet has endeavored to enact under such circumstances the role of a peacemaker.

In spite of Calvi's protestations in his interview with me of subordination to his overlord, the sultan, he and his brother Joakinine, whose district adjoins that of Calvi, are by common report almost at the point of open rupture with that potentate. The combined forces of the two brothers are believed to be at least equal to those which the sultan can control. Joakinine is a famous fighter and general among the Moros. Calvi is the statesman, the speaker, the wise adviser. Calvi makes a far better impression upon one as a man of brains and force than the sultan himself.*

*Major Sweet's report accompanying General MacArthur's report for a period terminating July 4, 1901, gives an interesting account of the maneuvering of the sultan on one side and of Calvi and Joakinine on the other to throw the blame and responsibility on the adversary for hostilities which both seemed to desire. All of Major Sweet's efforts to cause them to keep the peace were futile. The mimic war forecast between the sultan and these two dattos broke out in the summer of 1901, and for some months hostilities of the comic opera variety were waged on Jolo Island, marked by numerous engagements, but by very little bloodshed. When General Corbin visited Jolo the sultan came to see him, fresh from the battlefield, armed and accompanied by his guard. The war gradually wore itself out without anyone suffering the humiliation of defeat, and the sultan has today no greater control over his refractory dattos than he had before hostilities began. Indeed his prestige must be less, since it has been demonstrated that his powerful subjects may revolt with impunity.

One of the supposed objects of the sultan's visit two days ago to Jolo, when he reviewed the troops and held a reception on the transport in the harbor, was to discuss with Major Sweet the same question of customs dues about which Calvi spoke. But the sultan is not credited with desiring to benefit his subjects by anything that he does or proposes. Most of his public acts are attributed to mercenary motives, to the desire for personal gain, regardless of his people.

While he held Siassi by surrender on the part of the Spaniards before the Americans had appeared in the archipelago he made the most excessive and outrageous assessments. In many ways the Americans have cut down his opportunities for filling his pockets at the expense and to the injury of both foreigners and Moros, and he does not especially love us.

The opinion concerning the sultan's cupidity is so general that it was openly and contemptuously expressed by Datto Mandi, the Mindanao chief who was so efficient a factor in bringing Zamboanga under American control. When told by Colonel Pettit, the energetic commanding officer at Zamboanga, that the sultan had recently visited Jolo, he gave to his fingers the significant movement of one who handles coin and asked, disdainfully, "Why did he come? For this?"

MINDANAO REPUDIATES THE SULU SULTAN.

Datto Mandi is the most attractive and apparently the most forceful of the dattos whom I met, making a better impression even than Calvi. He has Spanish blood in his veins and has visited Madrid and Barcelona. He has a strong, smooth-shaven face, a curving nose and a keen eye. He makes no pretense of recognizing the authority of the Sulu sultan, either as a political or religious leader. When questioned on the subject of allegiance to the sultan he scoffed at the very idea. The other dattos of Mindanao are, it is reliably reported, equally outspoken in denying the claim of the Sultan of Sulu.

Mandi is a force to be taken into account in Moro affairs. In company with Colonel Pettit I met him and talked with him in the new village which his people are building on the site of that which was destroyed during the fighting at the time of the Spanish evacuation of Zamboanga, and in front of the large house which he is constructing for himself. He claims control of northwest Mindanao from Zamboanga to Dapitan. When I expressed gratification at making the acquaintance of one who had proved himself by deeds so valuable a friend of the Americans, he reciprocated courteously the expression of pleasure at the meeting and added: "I am now an American myself."

SUGGESTIONS OF POLICY.

A few conclusions, based upon what one sees and hears here, impress themselves as obviously reliable, even upon the casual, hasty observer who can penetrate but little beneath the surface of things.

It is evident, for instance, that an agreement with the Sultan of Sulu will not suffice to bind in amity more than a fraction of our half million Moros in the Philippines, and that rupture of this tentative agreement will not be absolutely certain to render hostile more than the same fraction. It follows that the simple, verbal understandings reached by General Bates and his subordinates with Mindanao sultans and dattos, and also with some of the Sulu dattos, are as valuable in their way and should

be followed up as carefully as the more elaborate written agreement with the Sulu sultan, which requires the red tape accompaniments of a treaty, is submitted for consideration and approval by the Senate, and, when approved, becomes a binding record fixing the sultan's treaty-making status. It follows, further, that we should cultivate friendly relations and secure and retain strong influence over all the sultans and dattos, not making formal written conventions with them (unless it is absolutely essential, as appeared to be the case in dealing with the Sulu sultan while the Tagalog revolt was at its height), and neither unduly magnifying the latter sultan to the detriment of the other chiefs, with the result of inflaming his vanity and avarice and of rendering him doubly difficult to deal with, nor unwisely depreciating his religious and political influence, with the result of upturning friendly relations and of precipitating hostilities, which, while crushing the sultan, would be bloody and protracted.*

*In his report of date July 4, 1901, General E. H. Crowder, military secretary of the Philippines, discusses the status of the sultan in his relations to the United States and recites the decisions of the American authorities on questions affecting the sultan which are based upon this view of his status. He says that an examination of the treaties and the practices of Spain in her relations with the sultanate of Jolo demonstrate that the sultan was, for the last half century of Spanish domination, a subject of Spain, and that such doubts as have arisen as to the relations between the Spanish government and the sultanate have sprung from the failure on the part of the government to exercise the rights it had, and not from the lack of possessing them. * * * In the agreement negotiated by the United States military authorities with the sultan the sovereignty of the United States is acknowledged and provision is made for the use of the United States flag, and for the occupancy and control by the United States of such points in the archipelago as public interests may demand, and the sultan agrees to accept monthly salaries for himself and dattos.

On the basis of this wise general view of the status of the sultan (the only one which could with any safety be taken) specific decisions were reached in several cases defining the sultan's powers. For instance, it was discovered by the forestry bureau that the sultan had granted a concession to a commercial corporation to cut timber on islands of the Jolo archipelago, and that considerable work was being done by the concessioner, the timber being almost all exported to Hongkong, by way of Jolo. After investigation it was decided that the cutting of the timber had been on public lands, and under date of November 14, 1900, the concessioner was advised that the military government did not recognize the validity of the permit held by him, holding that the Sultan of Jolo was not authorized to dispose of timber rights or to grant permits for the prosecution of the timber industry except in accordance with laws and regulations enforced by the military government.

Likewise parties claiming rights under permits granted by the sultan to engage in pearl fishing in the waters of the Jolo archipelago have been informed that all such permits were of doubtful validity.

The conviction has been steadily, though gradually, forming in the minds of both the civil and military insular authorities that the treaty with the Sultan of Sulu, while doubtless wise as an expedient to prevent hostilities with the Moros at a time when the revolting Tagalogs were all that could be handled, assumes too much power and too wide a jurisdiction in the Sulu Sultan; and a movement, involving negotiations and a conference with the sultan, is now in progress, by which the civil government and the military authorities in co-operation hope to accomplish a more satisfactory agreement to take the place of the treaty, which shall be based upon the existing facts of the actual powers of the sultan and of his true relation to his dattos, the Moro people, the other sultans and the American authorities, and which shall prepare the way for better defined government of the southern Philippines. Governor Taft was preparing to attend a proposed conference with the sultan at Jolo when he was attacked by his illness, which has caused him (March, 1903,) to leave Manila and go to the health resort of Benguet.

In his report of November 1, 1902, Governor Taft says: "It is very possible that an arrangement can be brought about by which the Sultan of Jolo can be induced to part with such rights as he claims to have in the Jolo archipelago and that in this way questions which now present very perplexing difficulties with respect to ownership of privileges, rights and lands may be obviated." Gen. Chaffee, at that time commanding general in the archipelago, in his report of September 30, 1902, says: "The sooner the Sultan of Jolo's title, actual or assumed, as sovereign and as sole owner of land in the Jolo archipelago is quieted the better for the situation. Probably there is little doubt that a money consideration would relieve the situation of his claim and presence." Gen. George W. Davis, at that time commanding the brigade in Mindanao and Sulu archipelago, in his report of August 1, 1902, says: "If the Sultan of Sulu could accept a money consideration in satisfaction for his transfer of title in Borneo, then he might find no insuperable objection to a cession of kingly rights or pretensions over his lands and vassals in Sulu. It is suggested that

It appears that a discrimination must be made in laws and form of government between Moroland and the rest of the Philippines. The conditions are entirely different in the two sections. Legislation which would be wholesome in one would threaten immediate war in the other.

GO SLOWLY IN RECONSTRUCTING THE MORO.

To withdraw from the southern Philippines and to wash our hands of responsibility for the control of them is apparently an impossible alternative. If we hold the islands (as we will) we must, however, exercise our authority in such a way as to save life and promote happiness on

through such cession for a small yearly cash payment the Moro overlord could be induced to retire and leave the United States to deal with the Moros in such manner as might seem best adapted to serve the purposes of the United States in Moro lands, and which is understood to be to civilize the inhabitants and develop the country, to abolish piracy, slavery and polygamy, all of which are now practiced in the Sulu Islands or waters, to establish schools for education of the Moro youth, and to turn his bloody spears and crises and campilans into utensils of industry. It will take a long time to do this, but the presence of the Sultan, who is conceived by us to possess royal rights and dignities, is a positive obstacle to the execution of such a policy, and he must be removed or mediatized before any real progress can be made." The present proposition is to buy the alleged rights of the avaricious Sultan. Gen. Davis, in a previous report of October 24, 1901, made the more radical recommendation of abrogation of the Bates agreement by act of Congress. "Of course," he says, "the Sultan and his adherents would be displeased to lose the power to extort tribute from his people and especially to lose his subsidy from the government. It might result in hostility, but I doubt that, for before the change was made there would be a sufficient force on the ground and in the waters adjacent to quickly crush any force mustered by the Sultan, but if an outbreak did occur he would have to be disciplined only once. The fact is that the treaties the Spaniards made amounted to very little anyway. There was never one made that was not soon violated. The only agreement they can understand is one emphasized with blows, and that the Americans and Jolo Moros must some day come to blows I have no doubt."

It is to be hoped for the national credit that the Jolo problem may be peacefully settled at the proposed conference, and that there will remain no temptation for the United States to resort to the alleged Spanish policy of violating agreements, provoking hostilities and then of crushing the aggrieved and silencing complaints by the application of superior force.

Gen. Davis' views are of importance because they are forcibly and ably expressed, and because he is now the commanding officer in the archipelago, succeeding Gen. Chaffee. While he recommended in 1901 that "no Sultan or king over all the Moros of any region or over other dattos be recognized" and that "no pension or subsidy be allowed to any Sultan or heir apparent or to any other chief," he recognized the strength of the opposing contention, saying on this point: "There is an alternative method of procedure and this is to profit by the example set by England and Holland, especially the latter power—for the Dutch govern more Malays in Java than the aggregate of all the rest in the world, and among them are a million Mohammedans. The Dutch did not, and do not, overturn the native rulers, nor do the English in India and in the Straits Settlements; neither do they make treaties with them. The plan so successfully introduced in Java by Governor Van den Bosch in 1834 was to show the local kings and rajahs a way and means by which their own revenues could be greatly increased. A resident who nominally had no power was appointed for each local prince, and yet this Dutch adviser was the real power behind the native throne and the rajah knew it. All the resident had to do was to advise, watch, inspect and report and the rajahs apparently did the rest. From 1834 to the close of the century it was never necessary to interpose force with these rulers, while in that period the population increased more than 300 per cent, and the trade from almost nothing to many hundred million guilders. If the Sultan of Jolo is to be retained as a puppet kingling, he should be stripped of all real power through measures such as have been so successfully employed in other oriental lands. It is possible that his quasi-sacred character under the law of his religion might be utilized in some way for the benefit of his people, but I prefer the other course, and that is to abate the Sultan nuisance, just as the Moros themselves have done with their own Sultan in Mindanao." Gen. Davis further modifies his vigorous anti-Sultan, anti-datto policy by saying very sensibly: "It seems to me the worst misfortune that could befall a Moro community, and the nation responsible for good order among the Moros, would be to destroy the patriarchal despotism of their chiefs, for it is all they have and all they are capable of understanding. * * * While we may refuse to recognize their rulers, and even destroy them, we cannot eradicate a deep-seated religious conviction, the principles of which have been cherished for more than a thousand years. They have no knowledge or respect for any other law than the one which exacts an eye for an eye. It seems to me to be our duty to respect this conservatism and deeply rooted prejudice, to utilize it and to use these dattos in our efforts to lead these people away from slavery, polygamy, piracy and despotic rule, just as the Dutch have in Java and the English in India. That much success can be obtained with this generation I do not expect. Our only hope is with the rising generation and those to follow."

both sides of the Pacific and to spread the blessings of civilization in such fashion that they do not become curses to our beneficiaries.

Slavery is hateful to the American idea and is forbidden to exist by the Constitution. Unmistakable slavery, though of the mild feudal type, exists in the southern Philippines. Shall we abolish it offhand, shedding American blood to reconcile the Moros to what they will look upon as confiscation of their property? Or shall we proceed cautiously and peaceably to eradicate the evil, perhaps through some moderate measure of compensated emancipation, such as that which with many safeguards of economy was put in operation by the Dutch in Java?*

Polygamy is antagonistic to American sentiment. It is a part of the religion of Mahomet and prevails among the comparatively wealthy few in our Mahometan islands. Shall we bring on "a holy war" in the Philippines by demanding the immediate eradication of polygamy and the exodus from the harems of all but wife No. 1? Or shall we follow the example of exceeding forbearance set by other Christian nations with Asiatic and Mahometan dependencies and our own precedent in winking for a time at the social customs of the American Indians? Polygamy is a luxury of the rich. Education and contact with civilization will render it more and more expensive every year, will steadily increase the discontent among the plural wives and will doubtless gradually abolish the

*The Philippine commission's report of 1901 says:

Certain of the non-Christian tribes have highly objectionable customs. The question of how best to deal with slavery among the Moros has attracted wide attention in the United States. On its southern trip the commission met and had long interviews with the Sultan of Sulu and the principal datos of the Sulu Archipelago, as well as with Dato Mandij, who rules the Moros in the Zamboanga district, and Dato Piang, Dato Utto and other leading datos of the districts of Cotabato and Davao. In the course of these interviews the slavery question was discussed very frankly. The insular government has never recognized slavery in any way, and the Moros were informed that it never would do so. They showed little hesitation in giving us the details of the system as it exists, and their statements were confirmed by military officers in command of garrisons at the several points visited.

We learned that slavery is widespread among the Moros, but at the present time exists in an extremely mild form. The old slave-hunting expeditions have nearly ceased. The Moro datos claim that they no longer occur at all, but it is known that this statement is not strictly true, as the Moros of Mindanao still occasionally capture members of wild tribes in the interior of that island. The Filipinos formerly held as slaves have practically all been liberated by our troops, although it is possible that a few may still remain in bondage in the Lake Lanao region. Slaves who desire their freedom and who seek protection at any military garrison receive it.

The large majority of slaves held today have sold themselves for debt or are the children of those who have so sold themselves, the obligations of parents being inherited by their offspring. A slave may secure his liberty by paying to his owner an amount equal to the price paid for him, but should he sell himself for a certain sum and should his master afterward be able to sell him for a larger sum he must repay this latter amount. In the majority of cases slaves are treated kindly, and they are frequently allowed time and opportunity to earn money, so that it is possible for them to redeem themselves if they desire to do so. The casual observer finds it impossible to distinguish them from members of the family to which they belong. Military officers everywhere expressed the opinion that Moro slaves were, on the whole, so well satisfied with their lot that if they were all set free the majority of them would promptly return to their old masters and voluntarily take up their old life again. This statement is not advanced as a defense of the system of slavery which prevails among the Moros, but rather as an illustration of the difficulties to be encountered in abolishing it.

An attempt at the present time to use force in securing the liberty of Moro slaves would inevitably provoke a fierce conflict with a brave and warlike people, and so far as the slaves themselves are concerned, would meet with little appreciation. If, on the other hand, the refusal on the part of the government to recognize slavery is persisted in, and the taking or acquiring of new slaves is prevented, the question will settle itself in a generation without bloodshed or the bitterness necessarily engendered by an armed strife.

It should be understood that slavery in the Philippines is by no means confined to the Moros. It is common among the wild Indonesian tribes in the interior of Mindanao and among the wild Malayan tribes of northern Luzon. If the evidence of credible witnesses may be believed, some of the wild tribes of Mindanao sacrifice their slaves to propitiate their heathen divinities. Repulsive as these facts are, it is

evil of many simultaneous wives by driving men to our own superior system of many wives in succession through the operation of our lax marriage and divorce laws.

If we decide that the immediate extirpation of neither slavery nor polygamy from the Philippines is worth the shedding of a drop of American blood we may also conclude, with advantage, to go slowly at first in regard to the imposition of unaccustomed taxes upon the Moros.

JUDICIOUS TAX EXEMPTIONS.

An export tax in practical effect reduces the price of what they sell; an import tax is made to increase the price of what they buy. The Chinese middleman with the duties as a pretext swindles the Moro by making the reduction of the selling price and the increase of the buying price, respectively, much more than the amount of the duty in each case. The military authorities will doubtless find a way of preventing this imposition. In regard to the equities of taxation, it is, of course, to be remembered that American occupation brings, and will continue to bring, to the Moros trade, prosperity, circulation of money and enlargement of taxpaying capacity, and that the islands must as soon as possible produce the revenues necessary to meet the expense of their economical government. But it is far more important for the immediate present that the Moro should not conceive the idea that he is being taxed and oppressed in novel ways to which even the Spaniards did not resort, than that funds

ide to enact laws or issue orders until they can be made effective. The commission believes that the slavery question can be settled without resort to violent measures. A practical result of the intercourse between Moros and Americans has already been seen in the proclamation of Dato Mandij abolishing slavery among his people in the district of Zamboanga. It is hoped that other datos may be induced to follow Mandij's example, and that eventually the wild mountain tribes may be reached by the same methods which have been so happily employed in his case.

The report of Secretary of War Elihu Root for 1901 says:

It is gratifying to report that the efforts of the American officers to bring about a cessation of the practice of slavery among the Moros are not fruitless. The character of the slavery practiced is quite unlike that formerly practiced in the United States in this, that the Moro slave, so called, becomes a member of the owner's family, enjoying many privileges, often having voluntarily sold himself into slavery to better his condition. The so-called slaves themselves exhibit no special anxiety to change their condition. All who seek freedom receive it upon coming into the American lines.

The following proclamation has been issued by the Dato Mandi, one of the most powerful of the Moro rulers:

(Circular.)

"To the datos, principals and old men of the Moro rancherias of this district:

"Being aware that some Moros in villages within my jurisdiction continue to engage in slavery, some by loan made to poor families, some buying them for trading, all doubtless forgetful of the orders issued by the old government of Spain, which strictly prohibited slavery, and in order not to wait to be again instructed by the civil government of the United States, I direct all my subjects, especially the datos, principals and old men of all villages in my jurisdiction, beginning with this date, to comply and enforce the rules provided in the following sections, viz:

"First. In view of the fact that slavery has not and never will bring any progress with it, you shall prevent Moros to have slaves of their own or other race.

"Second. If actually some are in such condition because of debt contracted for his immediate needs, he will not be considered as such slave, but as a hired man who receives a salary for his services, and with the view of extinguishing the debt in from eight to ten months.

"Third. It is strictly prohibited from this date illegal trading of Moro slaves and also slavery among themselves. Offenders of these rules will be liable to a penalty or a fine.

"Zamboanga, April 19, 1901.

"This is a literal copy of the original, which was written in Arabian characters.

"The Dato Rajahmuda.

"MANDI."

It is believed that the peaceful process, the rapid advance of which is indicated by this proclamation, will attain the desired result much more readily than it could be accomplished in any other way.

should be secured for public improvements in the Sulu archipelago, which can well wait that more convenient season when all will be quiet in the Philippines*

*In 1902 hostilities occurred in the Lake Lanao region of Mindanao, primarily caused by the murder of some American soldiers by Moros and refusal to surrender the murderers, and possibly pushed the more vigorously on account of the desire of some American officers to come to a definite, forcible and satisfactory understanding with hostile dattos before any reduction of the army in the Philippines might diminish the American power to compel respect. The fighting culminated in an engagement at Bayan, May 2, 1902, when the Americans, with the loss of seven killed and forty-four wounded, captured a native fort defended by a force of about 600 Moros, killing, it is estimated, more than half of them.

It was believed at the time this severe blow would serve as a salutary lesson to the Moros that would not need to be repeated. But it was found in the subsequent months that there were serious limitations upon the lasting effectiveness of the blood-and-iron policy. General George W. Davis, commanding in Mindanao, said in his report of August 1, 1902: "The writer is confident that the sultans and dattos around the lake who have not yet presented themselves will yet do so, and that in time we shall be able to accomplish more by bloodless methods than through the severe and destructive operations of war; but we must not forget that power is the only function of government that they respect, and the time may come when force must again be used." General Chaffee, commanding in the archipelago, says in his report of September 30, 1902, of the Lake Lanao Moros: "At the present time and notwithstanding every assurance we can give that our presence at the lake is not intended to disturb the Moros in their homes, customs or religion; that we have demonstrated our desire not to use force to crush them, we are still disdained and treated contemptuously by several of the most powerful dattos in that section. Our reason for inaction, though the troops have often been provoked by the repeated murdering of unoffending soldiers, is misunderstood by these dattos, who believe us to be cowards—afraid to attack their defenses. The fight at Bayan on May 2 seems not to have convinced them to the contrary. We can do nothing to change the war spirit and the desire for conflict associated in the minds of such chiefs without the application of force to humble them in their pride and assumed invincibility. I fear this will have to be done in three or four instances."

Early in 1903 there was some fighting in the Lake Lanao region, but in the combined or alternative policies of severity and conciliation which have been employed in dealing with the Moros the latter is now dominant, and Captain Pershing, who is in charge of the American force in the lake region, seems to be acting tactfully and with good results.

The program of General Davis for the treatment of the Lake Lanao situation, submitted in 1901, is as follows: "As respects the Malanao country we should not lose a day in setting on foot a movement for reoccupation of their country abandoned by the Spaniards in 1897-98, and that means the following: (a) The reopening of the wagon road from Iligan to the lake, to be guarded by a battalion of troops. (b) The launching of light-draft gunboats on the lake like the three which are now sunk in the lake. (c) The installation of electric motors driven by turbines with the abundant water power of the Agus river. (d) The utilization of this power to operate a trolley railroad on the wagon road grade. (e) There should be a regiment of troops in the lake country. (f) The extension of the road around the lake to and across the divide to Parang, which would be the base ultimately and a commercial port for all southern Mindanao, the road to be extended to Cotabato, where it could tap the trade of the Rio Grande valley.

"This would take some years to accomplish and would cost two or three million dollars, but it will solve the Moro problem in Mindanao and lead ultimately to the commercial development of this great island."

As a general policy toward the people of the southern Philippines General Davis, who is now in charge of the American forces in the archipelago, believes in vigorously pushing for solution the Moro problems, and, having reached a conclusion, of pounding the Moros into prompt compliance. Governor Taft on the other hand favors the slow and sure method of settling the difficulties in the southern Philippines, and suggests postponement of the Moro problems until the affairs of the Tagalogs and Visayans are well in hand. General Davis said in 1901: "I cannot too strongly recommend that the policy of the United States with respect to the Moros be decided on without delay, and that it be announced and enforced at whatever cost. When these born pirates feel the weight of our power they will believe we are in earnest and respect us, but until then they will despise and hate us." Governor Taft said in his last report in 1902, on the subject of a permanent arrangement for the administration of the southern Philippines: "I think it is wiser on the part of the commission to postpone the consideration of the Moro question until we have passed legislation to meet needs that are more pressing throughout the northern part of these possessions of the United States. For a great many years to come there will be no question of popular government in the Moro country; the Moros do not understand popular government, do not desire it, and are entirely content with the control of their dattos. Possibly far in the future the control by dattos will cease. There is room for material and industrial development among the Moros and with their material improvement may come a change in their political views. For the present, however, it is necessary only to provide a paternal, strong, but sympathetic government for these followers of Mohammed."

CHAPTER VII

HINTS FROM JAVA

Results That May Well Be Emulated in Luzon—Javanese Malays Will Work—Java's Land and Labor Opportunities Reserved for the Javanese—Culture System in Luzon—Natives as Civil Officials and as Soldiers—Polygamy and Slavery.

(1900.)

America's comparative inexperience in dealing intimately with Asiatic peoples and in grappling with and mastering for the highest use and benefit the conditions of soil and temperature which prevail under a tropical sun gives to all the pertinent precedents for the wisest solution of the Philippine problem an indefinitely multiplied value.

What the Dutch have well done and ill done in Java—an island not much larger than Luzon and inhabited by a people in whom, as in the Filipinos, Malay blood predominates—cannot fail to furnish both example and warning in meeting in the Philippines similar difficulties to those which have been solved for good or evil in the beautiful southern island.

So what the English have well done and ill done in the tropical garden of Ceylon and in dealing with the Cinghalese is profitably to be considered in deciding what will be wise and beneficial for our own tropical islands and the peoples who look to us for guidance and development.

Lack of judgment is shown in brushing peremptorily aside the Javanese and Cinghalese precedents on the ground that government in these islands, which is credited with determining the character of their institutions, is through hereditary native princes, who do not exist in the Philippines. Precisely such native rulers are found in the Moro sultans and dattos in the Sulu archipelago, Mindanao and Palawan; while they have long ago disappeared entirely from Ceylon and nominally govern still in only two of the provinces of Java. Outside of Djokja and Solo in Java, and in all parts of Ceylon, the title to the soil is primarily in the Dutch government and the English government, respectively, just as title to all the soil of the Philippines was primarily in the Spanish government, and passed to the American government through cession, so far as the remainder, unalienated at the time of the treaty of Paris, is concerned.

In both islands certain of the most troublesome of our questions were long ago met and solved by methods which, while customary in that age, are unavailable at the end of the nineteenth century. There is some suggestive value, however, even in these experiences of an earlier century. Javanese history records the development of a Malay people like the Filipinos into a race of workers. In both Java and Ceylon the occasional blunders of the whites in so treating the yellow-skinned peoples as periodically to arouse discontent and to incite revolt can be studied to advantage. The Ceylon system, under which the government sells the land outright to the cultivator, and the Javanese system, under which the soil is in the main merely leased by the government, will both repay thorough examination. In Java the question of permitting unlimited Chinese immigration to compete with the native Malays in the labor fields has been disposed of, and a hint given as to the extent to which the Malay can be employed to advantage as a civil official and as a soldier. In both islands slavery and Mahometan polygamy have raised the same problems which confront us in the Moro Philippines.

PRECEDENTS OF JAVA AND CEYLON.

The physical aspect of both islands is such as to impress the observer and to arouse his curiosity concerning the methods by which admirable results have been produced. If we can make Luzon as beautiful and productive as Java and Ceylon, and keep its people as free from famine and disease, as prosperous and as seemingly contented as the Javanese and Cinghalese, we may survey our work with satisfaction. And profiting by the lessons of the recorded experiences of the Dutch and English islands we should be able to reach the end sought by a somewhat shorter and easier way than the difficult, painful course over which the Dutch and English have stumbled to success. We may at least note and avoid the most obvious of the disaster-producing obstacles in their path.

When I visited Java in February the rainy season prevailed, but the clouds were considerate, and a very large percentage of the daylight hours showed the brightest sunlight. Rain and sun gave quickened and overflowing life to all the products of the soil, man contributed by intelligent labor, and altogether I have never seen anywhere such wonderful development of the capacities of a fruitful soil as were noted from the train which traverses the island for nearly its entire length, and from the carriage by which I traveled for many miles in the interior.

Batavia, where one lands in Java, is the political and financial capital and commercial metropolis. The modern residence city, with low, wide-spreading white houses, each setting well back from the broad tree-lined street and surrounded by an extensive tropical garden, stretches over a vast area, whose surface is further diversified by occasional canals, which are an especially notable feature of the old Dutch city. There are sections which need only a sprinkling of windmills and cows to suggest Holland. Batavia consists of the ancient city, now a business section, reputed to be unhealthful, in which are the old *stadthuis* and other historic structures and memorials; Chinese and Arab settlements, and the modern residence city already mentioned, which includes numerous attractive suburbs, and which is adorned by the usual complement of parks and parade grounds, statues and public buildings, including a fine museum.

WORLD'S FINEST BOTANICAL GARDEN.

Forty miles inland is the summer capital, Buitenzorg, built among the hills at a cool and healthful altitude. Here is the summer residence of the governor general in the finest botanical garden in the orient, where the Dutch (who are noted botanists and gardeners) have worked wonderful results from the productive, tropical soil, and have concentrated in a few hundred acres a miniature Java, displaying the finest specimens of all tropical products. Every Javanese garden is a delight to the botanist, but here the luxuriant growths are scientifically classified, and experiments in the cultivation of new plants of economic value to the planters of the island are made. Here are the tallest *kanari* trees, arching over the finest avenues, the largest lotus leaves, groves of tree ferns, avenues of royal palms, the banian-like *warringen* trees, wonderful clusters of bamboo, and the greatest profusion of tropical fruits and spices.

The railroad between Batavia and Buitenzorg traverses a low-lying level section of the island, upon which rice and cacao especially are grown. It resembles the rice and sugar-growing portion of Luzon north of Manila, which is crossed by the railroad to Dagupan. In contrast with the densely populated and closely cultivated acres of Java the corre-

sponding section of war-stricken Luzon seems now deserted and neglected, but there are the same terraced rice fields in both islands, and hundreds of the same gray and clumsy water buffalos are everywhere in evidence.

JAVANESE AND FILIPINOS BOTH MALAYS.

In comparison with Java, which in 1898 contained 26,000,000 people and has now probably passed Belgium as the most densely populated portion of the world, the Philippines, even in times of peace, are thinly inhabited. But the men, women and children who swarm in Java, on the streets, in the fields, the houses and the markets, are distinctly of the same race as the scantier populations which people the Philippines from Luzon to the Sulu archipelago. All are Malays, though they differ in some details of dress, in language and in religion.

Alfred Russel Wallace, the English scientist and traveler, pertinently says: "What may be called the true Malay races, as distinguished from others who have merely a Malay element in their language, present a considerable uniformity of physical and mental characteristics, while there are very great differences of civilization and language. They consist of four great and a few minor semi-civilized tribes and a number of others who may be termed savages." The four great Malay tribes, according to Mr. Wallace, are (1) those who inhabit the Malay peninsula and almost all the coast regions of Borneo and Sumatra (it may be noted that the Sulu archipelago was populated from the north coast of Borneo), (2) the Javanese, (3) the Bugis, who live in the Celebes, and (4) "the Tagalas in the Philippine Islands."

The Javanese Malays are, as a rule, more delicate and refined in features, smaller in stature, and of softer and gentler speech and manner than their northern brethren. Instead of the Filipino's white trousers and thin white shirt falling with an undress effect outside of and below the waist of the trousers, or the Moro's long, tightly fitting colored trousers and short-waisted, long-sleeved jacket, the Javanese, as a rule, has his sarong about his legs and a cotton jacket on his body, with the slang-dang scarf thrown over his shoulder. And instead of the long-trained skirt of brightly colored cotton, the short, loose jacket and kerchief of the Filipino woman, the Javanese and the Moro women alike wear the sarong, variously shaped jackets, and a long, flowing scarf for the head and shoulders. The Malay kris is at the waist of both Javanese and Moro; at the front in the latter's sash, at the back in the former's. The same prostration which the slave of Datto Calvi, at Jolo, performed before venturing to address his master was repeated in the Dutch island by our railroad porter seeking permission to light the lamp in our compartment, a startling piece of humility in a Pullman porter, even in Java.

The musical instruments which accompanied the native dances at Jolo are duplicated as Javanese in the Batavian museum.

One people is nominally Christian; the other two are nominally Mahometan. All speak different languages, but in skin, in facial and bodily contour and in methods of thought all are Malays.

MOST PRODUCTIVE REGION IN THE TROPICS.

From Buitenzorg the railroad runs to the eastern end of the island at Sourabaya, thus traversing it for nearly its full length east and west. This railroad ride of over five hundred miles is through the most varied, interesting and frequently magnificent scenery. Volcanic mountains are

visible ; also lofty terraced hills and beautiful valleys, like that of Leles, unsurpassed in picturesqueness and in wealth of tropical vegetation anywhere in the world. For miles the track runs at an altitude in the hills where it traverses tea and coffee plantations. The valley of Leles spreads before the eyes of the traveler vast stretches of cultivated ground, checkered in a many-colored patchwork, which displays the yellow of harvest rice, the green of the growing paddy and sky-blue reflections in the flooded terraces. Oases of foliage, palms and bananas break here and there the level surface and half hide clusters of native houses. The small terraced knolls at the edge of the valley resemble somewhat the terrace formations rising in hill shape one above another at the Mammoth Hot Springs in the Yellowstone, varying shades and tints of green being substituted for the white, pink, yellow and other colors of the deposits from the hot waters. The most striking objects in the scenery of the railroad ride are two great hills or small mountains at the valley of Leles, whose tops are between three thousand and four thousand feet above the level of the sea, and which are terraced and cultivated to their very summits, with nearly every foot of surface fruitful for man's welfare. They are as notable monuments of human industry as the Egyptian pyramids, with the additional merit of useful practical results, while the expenditure of intense human labor and sacrifice of life upon the latter served merely for the gratification of human vanity. This pyramid of Java is a life-sustaining hive of industry ; the pyramid of Egypt is a tomb.

At the city of Djokja one leaves the train in order to drive for twenty-five miles to the ruins of the Buddhist temple, Boro-Boedor, to visit the ruins of the Brahminical temple Brambanam, and to study one of the two Javanese provinces still remaining under the nominal control of native princes. It is now possible to reduce the carriage ride to Boro-Boedor to eight miles by taking a steam trolley from Djokja and leaving the car at Moentilan station. But I would advise no one to lose a mile of that most interesting drive over smooth hard roads through a series of villages with their open-air, picturesque markets in constant busy operation, and through fields cultivated with Dutch minuteness, which show in progress side by side rice planting by men who wade in mud, rice plowing with the carabao attached to the rude wooden share and rice harvesting by gleaners of both sexes and all ages. In no other way can a better idea be formed of the density of the population, the richness of the soil and the intelligence of the cultivation, which well supports these millions of industrious, prosperous and reasonably contented people.

WONDERFUL REMAINS OF ANCIENT JAVA.

The ruins of Boro-Boedor and of Brambanam, with their wonderful carvings, the finest remains of countless buried temples, demonstrate the antiquity of the Javanese and furnish evidence that centuries ago the island was inhabited by a people more highly civilized and cultivated in certain arts than the Javanese of today. Among the ruins of Buddhist temples, Boro-Boedor is surpassed in size only by the Nagkon Wat, in east Siam, and in interest by none.

Thus the remains of an ancient Java contribute to the attractions of the Java of today, with its volcanoes and valleys, its plantations and gardens, its pleasing, picturesque, dark-skinned millions and the leaven of dominating Dutchmen, to whom its modern development and civilization, with full security to life and property, are due.

So far as my observations go, I am ready to coincide with the conclusions of Alfred Russel Wallace, the English scientist, who visited Java more than thirty years ago, and who says: "I believe, therefore, that Java may fairly claim to be the finest tropical island in the world, and equally interesting to the tourist seeking new and beautiful scenes; to the naturalist, who desires to examine the variety and beauty of tropical nature, or to the moralist and politician, who want to solve the problem of how man may best be governed under new and varied conditions."

THE DUTCH LAND SYSTEM IN JAVA.

While in Batavia I had an interesting talk with the Dutch resident (or governor) of Batavia, Jan Jacob Bischoff, and his secretary, A. G. Valetti. English is spoken by both officials, by the secretary fluently and accurately, and through him most of the information concerning things Javanese was secured.

In response to a question concerning the system of land tenures now prevailing in Java, I was told that when the Dutch came to the island they found it divided up into sultanates; that at the present time all of these sultanates and the whole of the island, except the sultanates of Solo and Djokja, had come under the direct control of the Dutch government; that this government had declared itself the owner of all the ground in the provinces of which it had possession; that in Solo and Djokja, by agreement with the descendants of the old princes, the latter still retained nominal control and nominal title to all the land, similar to that held by the Dutch government in the rest of the island; that the government and land ownership of the native princes in Djokja and Solo are subject to the control of the Dutch government through its representative, the resident, whose consent is necessary even to a sale of land by the native prince, and it was implied that in substance and effect the Dutch are as much in control of the land in Solo and Djokja as in other parts of the island.

Javanese Dutch can buy from the government in fee simple any kind of land. Native Javanese can buy or lease, but everywhere a large part of the agricultural ground is reserved by the government for the natives, especially for rice planting.

COMMUNITY CULTIVATION.

The lands in the different provinces thus reserved for the people are distributed on a communal basis each year, the ground about each village to the inhabitants thereof for individual use for the annual period. A native must live for a fixed term of several years in a village before he can participate in this assignment of its communal land. The extent of ground occupied by the individual depends to some extent upon the relation of the area of the agricultural crown lands surrounding the village to its population. Only natives can participate in this distribution. They are compelled to cultivate the land; if they do not it is assigned to others. The cultivator takes the full crop and pays one-fifth in land tax to the government in money. It is proposed, however, to alter this system of communal possession with changes in individual occupation every year, to individual continuing possession, based on irrigation and other improvements.

There is a difference between agricultural lands, including those thus reserved for the natives, and land in the cities, of which the government permits even foreigners to get possession.

The government also executes long leases, as for seventy-five years, on payment of annual ground rent, and these leases descend from father to son. There are some such renters among the Chinese for the cultivation of coffee, sugar and indigo, and many among the Dutch.

The natives are considered as the real inhabitants of the country. Other people, even the Dutch not born here, are treated when they first come to the island as strangers. All of them, including the Dutch, must report themselves and at first get permission to live for six months only in places open to general trade—certain seaports. This permission may be extended for an additional six months. After the period of probation, if the stranger can prove that he has sufficient means of support, he can get permission to become an inhabitant of the Dutch colony, can live anywhere he likes, and as an inchoate naturalized citizen, so to speak, can buy or hire land like those born in the island.

REMAINS OF OLD CULTURE SYSTEM.

The present land and labor system of Java is, I may add, the old culture system modified in accordance with the demands of modern public opinion.

Before the arrival of the Dutch the title to all the soil and the right to require for a period the uncompensated labor of the subject were in the native princes, who divided the island among them. Vast structures like Boro-Boedor, involving from their size and elaboration of decorative carving an infinite toil, remain, though in ruins, as reminders of the decades during which the people were driven despotically to unpaid labor. Land was cultivated under the communal system, of which the principle still remains. Annual allotments were made to every family or individual. Of the crop, as a general rule with many variations, thirty-four sixtieths were retained by the cultivator, two-sixtieths went to the village priest and twenty-four sixtieths were claimed by the sovereign. The representative of the latter could compel the cultivator to sell his share of the crop at the ruling price. Like the share of the crop, the quantity of unpaid labor demanded by the sovereign varied at different times and in different parts of the island, but generally ranged between fifty and seventy-five days in the year.

The Dutch under Marshal Daendel, and later and especially under General Van den Bosch, after the English interregnum, placed their government squarely in the shoes of the native sovereign whom it displaced, with the same title to the soil and the same right to compel unpaid labor. The sovereign's share of the crop was reduced to one-fifth and the period of unpaid labor to one-seventh. Through this compulsory labor Java was covered with fine broad roads by Marshal Daendel. The culture system, as perfected by General Van den Bosch, utilized fully the system of forced labor, unpaid and paid in a share of the crop, enforced the requirement of the sale of the cultivator's share of the crop at a fixed and very low price, made dealing in the products of the system a government monopoly, and later, through advances of capital, built up a system of middlemen to manufacture the raw material thus compulsorily furnished, keeping all parts of the machinery of the system completely under its control.

Under this system the island was thoroughly cultivated, the population largely increased, and cultivator, middleman and sovereign were prosperous and in funds. But the underlying principle of the system was absolute despotism and the cultivators were in substance well-fed

serfs, so that gradually public opinion has modified the system, until now all that remains of it is as already described.

The government has ceased to monopolize the trade in the products, the middleman shifts for himself and has no competitor in the government, the unpaid labor takes the shape of a poll tax with labor for the public as an alternative, and the sovereign's share of the crop becomes a land tax, which, however, with the retention of title to the land and the plan of annual allotments, approximates very closely to the old system, for the land tax is indirectly, and often directly, paid in a share of the produce. The best results of the old culture system are the habit of work, the tendency to universal industry, and skill in the art of scientific cultivation which remain.

While the original Dutch system may have taken small account of the interests of the natives, that is not the case today under the modified "culture system," which recognizes that the Dutch and Javanese welfare and prosperity are inseparable. The natives are in every way protected; they are prosperous, too, and not oppressed; they are used by the Dutch extensively in civil employment and in the army, but it remains, as of old, that the white decides what is best for the dark-skinned man, and enforces it, not permitting the latter to decide for himself.

LAND TENURE IN LUZON.

For purposes of comparison the tenure of land and the labor system in the Philippines under Spanish rule may be briefly considered.

John Foreman, the historian of the Philippines, who speaks with more authority on the subject than any other writer, says:

Landed property was undefined. It all nominally belonged to the state, which, however, granted no titles; squatters took up lands where they chose without determined limits and the embroilment continues in a measure to the present day. * * * The astute ecclesiastics quietly appropriated to themselves the best arable lands within easy reach of the capital and the arsenal of Cavite. * * * About the year 1885 the question was brought forward of granting government titles to all who could establish claims to land. Indeed, for about a year there was a certain enthusiasm displayed both in the application for and the concession of "títulos reales." But the large majority of holders—among whom the monastic element conspicuously figured—could only show their title by actual possession. It might have been sufficient, but the fact is that the clergy favored neither the granting of "títulos reales" nor the establishment of the projected real estate registration offices. * * * In September, 1890, a lawsuit was still pending between the Dominican corporation and a number of native residents in Calamba (Laguna) who disputed the Dominicans' claim to lands in that vicinity so long as the corporation were unable to exhibit their title. For this implied monastic indiscriminate acquisition of real estate several of the best native families (some of them personally known to me) were banished to the island of Mindoro.

* * * The conditions of land tenure under Spanish rule in this colony (1885) stood briefly thus: The owners either held the lands by virtue of undisturbed possession or by absolute freehold under title deeds granted by the state. The tenants—the actual tillers—were one degree advanced beyond the state of slave cultivators, inasmuch as they could accumulate property and were free to transfer their services. They correspond to that class of farmers known in France as metayers and amongst the Romans of old as *Coloni Partiarli* with no right in the land, but entitled to one-half its produce. Like the ancients they had to perform a number of services to the proprietor which were not specified in writing, but enforced by usage. Tenants of this species recently subsisted—and perhaps still do—in Scotland. Leases for long periods were exceptional, and I never heard of compensation being granted for improvements of Philippine estates.

DUTCH CULTURE SYSTEM IN LUZON.

The Dutch culture system itself was reproduced in Luzon in the cultivation and sale of tobacco from 1781 as late as 1882, between which dates the handling of tobacco was a government monopoly.

Foreman says:

Compulsory labor was organized, and those natives in the northern provinces of Luzon Island who wished to till the land (the property of the state)—for title deeds

were almost unknown and never applied for by the natives—were compelled to give preference to tobacco. In fact no other crops were allowed to be raised. Each family was coerced into contracting with the government to raise four thousand plants per annum, subject to a fine in the event of failure. The planter had to deliver into the state stores all the tobacco of his crop—not a single leaf could be reserved for his private consumption. Lands left uncultivated could be appropriated by the government, who put their own nominees to work them, and he who had come to consider himself owner by mere undisturbed possession lost the usufruct and all other rights for three years. His right to the land, in fact, was not freehold, but tenure by vilen sorage. * * *

From sunrise to sunset the native grower was subject to domiciliary search for concealed tobacco—his trunks, furniture and every nook and corner of his dwelling were ransacked. He and all his family—wife and daughters—were personally examined. * * * The leaves were carefully selected, and only such as came under classification were paid for to the grower. The rejected bundles were not returned to him, but burnt—a despairing sacrifice to the toiler.

The tobacco monopoly was the largest source of public revenue, the profits being great, but the system finally broke down and was abandoned in 1882 because the Spanish government swindled its compulsory workmen, and did not permit them to share, as in Java, in the material prosperity which would naturally result from the system.

OPPRESSING AND SWINDLING THE NATIVES.

Foreman says:

Palpable injustice, too, was imposed by the government with respect to the payments. The treasury paid loyally for many years, but as generation succeeded generation, and the native growers' families came to feel themselves attached to the soil they cultivated, the treasury, reposing on the security of this constancy, no longer kept to the compact. The officials failed to pay with punctuality to the growers the contracted value of the deliveries to the state stores. They required exactitude from the native—the government set the example of remissness. The consequence was appalling. Instead of money treasury notes were given them, and speculators of the lowest type used to scour the tobacco-growing districts to buy up this paper at an enormous discount. The misery of the natives was so distressing, the distrust of the government so radicate, and the want of means of existence so urgent, that they were wont to yield their claims for an insignificant relative specie value.

Ramon Lala in his work on the Philippines says:

A native cannot own land. He may hold it under certain conditions. What these are in the tobacco districts has been stated. The regulations outside these districts are as follows: He must plant useful trees suitable to the soil; raise wheat, rye, maize, vegetables, cotton, pepper; maintain every species of appropriate cattle; keep fruit growing in his orchards and around his house; have at least twelve hens, one cock and a sucking pig. Failing in these impossible conditions the land may be confiscated at the end of two years.

The land tenure and compulsory labor of the culture system are suggested by these descriptions, but the Spaniard apparently begrudged the native the smallest share of the profits of the system, and as a consequence bungled clumsily in the practical application of the Dutch method to Luzon.

WELL-PAID NATIVE OFFICIALS.

Further questioning at the Batavia residency disclosed other evidences of thoughtful and considerate treatment of the natives by the Dutch under the policy which now prevails.

The government of Java employs natives as far as possible in the official positions which come into immediate contact with the native population. Every province is divided into regencies, with a native regent in nominal charge, who receives a monthly salary of from 1,000 to 1,200 guilders or \$400 to \$480. The real governor of the regency is the Dutch resident, who represents in it the governor general. Every regency is divided into districts, over each of which a native wedana presides, at a monthly salary of from 200 to 250 guilders, or from \$80 to \$100. Assistant wedanas have charge of subdistricts, at a monthly salary from 100 to 150 guilders, or from \$40 to \$60.

The small annual land tax or rent paid by the Javanese for the government land leased out to them for cultivation is received by a native collector, called a lurah (a government official), and turned over by him to the wedana, the native chief of the district. It often occurs that the cultivator pays his annual land tax by giving the lurah a certain proportion of the produce. This official turns the goods thus tendered into cash, paying the wedana the annual land tax.

The extent to which the natives are utilized by the Dutch in subordinate positions is to be noted; also the liberal compensation made for the services rendered, and the good policy of thus reducing friction by intrusting to natives unpopular tasks, like collecting taxes from their own people. The regents and wedanas are men of standing and influence in the community, and through them the Dutch exercise unlimited control over the natives. The Spanish in Luzon destroyed the petty native rulers and substituted in their stead Spain's rule. They also, under the Maura municipal government law of 1893, utilized the natives in many of the same functions intrusted to them by the Dutch; but while the latter with these offices conferred high honor and a salary, the Spanish imposed unpaid and obligatory positions upon unwilling recipients, many of whom were financially ruined through holding an office which they could not safely refuse. This small difference of detail caused the Spanish policy in this matter to increase the native's detestation of his rulers, while the policy of the Dutch wonderfully strengthens their hold upon the Javanese.

POLYGAMY AND SLAVERY.

The Javanese are nominally all Mahometans. Polygamy has always prevailed among them, but outside of Djokja and Solo there are few polygamists, except among the very rich. The luxury is too expensive. There is no challenge to arouse their fanaticism over polygamy as an article of faith by the Dutch government, which leaves their religion and everything which in any shape is connected with it severely alone.

The same kind of slavery prevailed in Java as now exists in the southern Philippines until abolished by edict shortly before our civil war. Compensation was provided to the owners of the emancipated slaves in the following amounts, expressed in guilders, a guilder being about 40 cents:

Slave under 10, 50 to 120 guilders; between 10 and 20, 100 to 220 guilders; between 20 and 30, 150 to 350 guilders; between 30 and 40, 125 to 300 guilders; between 40 and 50, 100 to 200 guilders; above 50, 40 to 100 guilders.

But such limiting and restricting conditions were attached that very little money was paid for this compensation. For instance, a registration of slaves had been ordered; but a great part had not been registered. The government would only pay for slaves registered, and would not pay for those suffering from any permanent disease (as leprosy), nor for escaped slaves longer than three months after date of the edict, nor for slaves condemned to forced work (convicts), nor for slaves on which on January 1, 1859, taxes had not been paid for four years.

In most cases, while the edict nominally freed the slave, the latter continued to the end of his days in practically the same relation of feudal servitude to his master. But with the growth of the new generation the law gradually became operative and slavery was ended.

JAVANESE ARE PROSPEROUS AND CONTENT.

The Dutch now show in every way the greatest consideration for the natives' old customs and traditions. The people are, as a rule, satisfied, contented, easily managed. The last revolt in the island was in middle Java, between 1825 and 1830. There has since been one small insurrection, of little importance.

[I will add that the later insurrection referred to was in the district of Bantam, in west Java, in July, 1888. It was headed by a Javanese priest (hadji), and some 500 natives rose against the Dutch in that district. At one place the assistant resident, his wife and children, with some eight other Europeans, were murdered. This insurrection was soon quelled by the government, and the ringleaders, with about a hundred of their followers, were shot. American Vice Consul Rairden, who is serving capably as consul in the absence on sick leave of Mr. Everett, was living ten miles from the place where the insurrection occurred, and was warned by a friendly native to leave. He escaped to a sailing vessel with his wife and child, and they lived in this vessel for three days until the trouble was over. Mr. Rairden, who has been a resident of Java for a great many years, considers the Javanese a contented, happy and prosperous people, although this cannot be said of the people of Sumatra and Borneo, who are always in petty wars with the government. In Sumatra the Dutch have been at war with the Achinese for some twenty-five years, and seem to be no nearer the end than they were a year after the war began.]

JAVANESE AS DUTCH SOLDIERS.

The natives are utilized largely in the army as well as in civil life. The military forces of Netherlands India number 40,000, of which 34,000 are infantry and 6,000 are artillery and cavalry. Of this army two-thirds are natives and only one-third is European. The commissioned officers, numbering 1,428, are all Dutch. The non-commissioned officers are natives. Pensions are given after twelve years of service or if the soldier is wounded. The native troops are almost all from Java and the neighboring island of Amboyna. They are considered faithful, and seldom, if ever, has there been any trouble with them. Certain precautions are taken, however, as, for instance, the stationing of natives from East Java in West Java, and of those from West Java in East Java and the Moluccas. As the natives from the different parts of Java are not on very friendly terms, there is thought to be little danger of the native troops joining in any insurrection.

The rule which forbade the natives to learn the Dutch language no longer exists, and Dutch is taught to those who can afford to learn it. The natives are so poor that the majority cannot spare the time to learn Dutch. A very small percentage of them can read or write.

[The American policy in the Philippines in respect to instruction in English is clearly to follow the example set by the British in their colonies of encouraging in every way the learning by the natives of the language of the governing nation, and to avoid the policy of the Spanish in the Philippines and formerly of the Dutch in Java, which kept the natives as far as possible in ignorance of the language of their white rulers.]

JAVA'S LABOR FOR THE JAVANESE.

Coolie labor is performed almost entirely by the Javanese at a very low rate—20 cents per day in the interior and 60 cents per day in the cities. Chinese coolies are unknown in Java.

There is no law protecting Javanese against Chinese competition, but the conditions of labor and the restrictions upon the Chinese are such as to furnish practical protection.

Javanese labor is so cheap that it has nothing to fear from the Chinese or anybody, especially when it is considered that the government strains through a sieve proposed immigrants into Java and heavily taxes those Chinese who are permitted to come.

There are about a quarter million of Chinese in Java, as against 25,000,000 Javanese. They are engaged almost universally in commercial pursuits, though some in East Java run sugar plantations under seventy-five-year leases. They control very largely the retail trade.

The Chinese are treated as natives so far as the courts and penalties are concerned—that is, they have no consul in Java—but even when they are born here they are not treated as natives in the enjoyment of the communal right to cultivate land. No eastern nation or people has a consul here except Japan and European Turkey, and the Turkish consul has no jurisdiction over the Arabian population. The status of the half-caste is determined by that of the father.

The Chinese are compelled to live in special quarters assigned them, like other eastern strangers, which further restricts them.

But the great safeguard is in the rigid inspection of every newcomer into Java, and the requirement of permission even to breathe the air of the island and of a probationary period, followed by a second permission to live in and do business here. The government thus has at hand a flexible exclusion law. It excludes any one who may possibly become a charge upon the government, and there is no review of its assigned reason for exclusion or appeal from its decision.

I asked what would happen if the Chinese in large numbers should come into Java, and Mr. Valetti replied that they would be shipped back to Singapore as lacking means of support.

In all minor matters the Chinese here are governed by their own laws, administered by their own chiefs, who are appointed by the government. The head Chinese official is called the major of the Chinese, who has under him captains and lieutenants. The Chinese are burdened with taxation to the limit of their endurance.

CHAPTER VIII.

WILL MALAYS WORK?

They Do in Java—They May in the Philippines—Protection for the Natives—Contrast of Spanish and American Policies Concerning Chinese—Limit Labor Competition.

(1900.)

The record of Java throws light on a syllogism which is supposed to have an obvious and practical bearing upon the labor problem in the Philippines: "Malays will not work; Filipinos are Malays; Filipinos will not work."

The generalization that Malays will not work is reached by calling Malays who will work by some other name and attaching to the title only the characteristics of the worthless remnant. There is a Malaysian archipelago as well as a Malaysian peninsula, and the bulk of the Filipinos may turn out to be Malays after the order of those who live and labor in Java and not in the class of the Malay loafers of the Straits Settlements.

A like hasty generalization ascribes to the Chinaman, universally, in contrast with the Malay, the attributes of industry, commercial probity and capacity to labor effectively anywhere, unaffected by fatigue, tropical heat and disease germs. This generalization lumps indiscriminately the myriads of Chinese water rats and ex-pirates, and the millions in whom decades of official robbery and oppression have ingrained untruthfulness and deceit, with the comparatively small commercial class, in whom training has made business honesty instinctive, and with the coolie, who may be either lying or truthful, but who has developed in the school of hard necessity into perhaps the most effective and least expensive human laboring machine in the world.

The disposition among all men in the languor-breeding tropics is to work only as necessity requires, which in favored sections, if one's wants are few, is very little, nature supplying freely the means of supporting life.

There are also differences in the aptitudes and inclinations of the different tropical peoples as to the kind of life-supporting labor to which they will have recourse when forced by necessity to work. One will cultivate the soil, another will draw his food from the sea with the hook or net, and another will hire the service of his muscles in exchange for food or the money with which to buy food.

But the record of Java shows that the Malay under pressure can occupy satisfactorily every field of labor and can develop a tropical garden which is the admiration and delight of every visitor and which supports well one of the densest populations on the face of the globe.

SHOULD WORK IN LUZON AS IN JAVA.

In the Philippines, which extend from the northern edge of the Tropics to a point less than five degrees from the equator, and include a vast variety of soils, of altitudes and of temperatures, which work out varying results upon the men who live subject to their environment, a diversity in the human products as well as in the fruits of the soil is naturally expected and realized. Not all the Filipinos will labor in the same way, and some will not work at all. But if we must generalize let us say, and make it good, that the Filipinos in general will work, like the Java-

nese; not binding ourselves by this generalization to force the Filipinos to the total exclusion of other peoples into occupations for which they are conspicuously unfitted—without guaranteeing, for instance, that a Mabini or an Aguinaldo would make an efficient wharf coolie, or that an ex-pirate follower of the Sultan of Sulu would prove a reliable comprador or a model house servant.

Though the old methods of compulsory labor may not now be applied, and are not, in fact, employed by the Dutch themselves, being long ago abandoned under pressure of a world-wide public opinion, the evidences taken together suggest that the Filipinos can meet the labor requirements of the islands in most fields of employment and that by judicious selection of workers all kinds can, if necessary, be Filipino-performed. The Filipinos of the interior of the islands labor well as agriculturists; the coast natives have an aptitude for seafaring pursuits. The Manila-Dagupan road, the only railway in the Philippines, was built entirely by native labor, and natives filled the subordinate positions in running it. The Chinese have not been permitted to get a foothold as cultivators of the soil in the interior of Luzon any more than in Java, though the Spanish for many years admitted them to the island solely for this purpose. Almost universally both planters and field hands are Malays. Farming is the characteristic native occupation. The Filipinos take pleasure in the cultivation of rice, the most exacting, painstaking and fatiguing of agricultural labors.

MANY FILIPINOS DO WORK:

The natives of the different islands find congenial employment in varied forms of labor. Some, like those of the island of Bohol, are noted for their superior industry and efficiency as field laborers, and go at harvest time to other islands and provinces to gather the crops. Old residents say that the Visayans and the people of northern and extreme southern Luzon (the tobacco and hemp districts of the island) are industrious, but that the Tagalogs of central Luzon have been demoralized in the turmoil of the struggle against Spain; and that a period of settled, peaceful conditions will be necessary to convert the bolos into pruning hooks and the bolo men into reliable field hands. Filipinos are credited with being as strong as the Chinese, but lazy. They monopolize, however, such hard work as lighterage for ships, and they labor in the mines in Bulacan. The weight of opinion is that if there were no Chinese here they would perform satisfactorily all kinds of work, though perhaps at slightly greater wages, the Filipino having higher aspirations in the direction of living well than the average Chinaman. The expectation that they would, if Chinese competition were absent, fill all the trades is based with reason upon the evidence of old residents to the effect that they did work in all these lines before the Chinese came and drove them out. For instance, years ago nearly all the carpenters, stonemasons, builders, bricklayers and similar workmen of Manila were natives; now they are nearly all Chinese. Then the retail trade of Manila was in the hands of the Filipinos; now the Chinese have it, almost to the exclusion of the native. Formerly all the carabao drivers were Filipinos; now the Chinese are steadily driving them out of the business.

A POOR CLASS OF CHINESE.

The Chinese in Manila have not the reputation for business morality which their mercantile countrymen enjoy in many other places. It is

said that many of the Chinese in the Philippines were in the beginning ordinary coolie laborers from Amoy, who have escaped from day labor into the field of small shopkeeping, and in their new sphere of activity have tampered with their scales, swindled the natives, adulterated and discredited the native products which they handle, and often failing in business have disappeared in the ocean of vast and densely populated China, leaving worthless debts and exasperated creditors. They are credited with succeeding as traders because they co-operate and stand closely together. They remit their earnings to China and have no interest in the land where they live, and are not considered to be good citizens.

Spain applied the principle of the Dutch culture system in very oppressive shape in the Philippines in the cultivation of tobacco as a government monopoly. If this system, even when cruelly enforced, has the merit of forming the habit of work, the Filipinos have enjoyed this opportunity of acquiring the habit. The Spaniards, however, do not compare with the Dutch as capable instructors in agriculture.

Ramon Lala defends his countrymen against the charge of indolence other than the lassitude which is bred in every one, Europeans included, by the tropical heat.

CAUSES OF FILIPINOS' APPARENT LAZINESS.

In explanation of the Filipinos' apparent laziness he says:

"Deprived by the Spaniards from all active participation in the affairs of government, and robbed of the fruits of industry, all incentive to advancement and progress was taken away. He therefore yields with composure to the crushing conditions of his environment, preferring the lazy joys of indolence rather than labor for the benefit of his oppressors. * * *

"In the more civilized districts where modern and humane business methods prevail hundreds of thousands are employed to the profit both of themselves and their employers."

Unwillingness to work without pay in advance, which is sometimes cited as rendering unsatisfactory the Filipino laborer, is pronounced by Lala to be "undoubtedly the result of generations of Spanish robbery, where these people were forced to labor for their employers—frequently the priests—having no reward save the lash or promises of a golden crown in heaven."

If Lala's diagnosis of the case is accurate, it is easy to see how, without any great trouble, we can largely increase the Filipino's working efficiency by supplying the incentive of full security to life and property and the enjoyment of the fruits of his toil.

Protection of the native Malay against the Chinese does not require the absolute exclusion of the latter. As we have seen, there are a quarter of a million of them in Java, mainly in mercantile pursuits in the large cities, a very few engaged in planting; but their number is insignificant compared with the mass of the population. They are not all pervading and dominating, as in the Straits Settlements, where Foreman pronounces them to be "obstinate, self-willed and riotous." "Wherever," he adds, "the Chinese settle they exhibit a disposition to hold their footing, if not to strengthen it, at all hazards, by force if need be. In Sarawak their secret societies, which threatened to undermine the prosperity of that little state, had to be suppressed by capital punishment. Since the British occupation of Hong Kong, in 1841, there have been two serious

movements against the Europeans. In Singapore the attempts of the Chinese to defy the government have met with only feeble measures of repression."

EVILS OF CHINESE DOMINATION.

Henry Norman, in *The Peoples and Politics of the Far East*, confirms Foreman's suggestion that fresh difficulties are raised by a solution of the labor problem in the east which permits unlimited Chinese immigration.

He says: "This question of the relations of foreigners and Chinese presents much the same general aspect in Hong Kong as it does in Shanghai. Here, too, the Chinese merchant is crowding out the British middleman; here, too, it cannot be very long before the bulk of the real estate of the colony is owned by Chinese. Every day they are advancing further into the European quarter, and Chinese merchants are among the richest men in the community. 'In every dispute between the Chinese and the government,' said a well-informed resident to me, 'the former have come off victorious.' By and by, therefore, we shall have virtually a Chinese society under the British flag, ruled by a British governor. * * *

"To my thinking Hong Kong is in more danger from the Chinese than from any other quarter. Kowloon City is a mass of roughs; Canton is the most turbulent and most foreign-hating city in China; 20,000 Chinese could come down to Hong Kong in a few hours, and a strike of Chinese servants would starve out the colony."

Concerning the Chinese resident in Hong Kong, Norman quotes from S. B. J. Skertchly, late of her majesty's geological survey, who says: "The sad fact has to be faced that some 200,000 Chinese are living voluntarily among us for the sake of the facilities the colony offers, and that they hate us, despise us and fear us at the same time."

This comment was based upon the behavior of the Chinese during the plague, when they resisted every effort to cleanse and purify the city and to isolate the sick in the hospitals. They threatened to fire the city and to poison the water supply, and the purification of the Chinese quarter was accomplished only through the menace of a British gunboat, which covered the quarter with its guns, while British volunteers performed the labor of saving the plague-threatened Chinese in spite of themselves.

The same spirit cropped out among the Chinese in the recent outbreak of plague in Manila, two-thirds of the cases being among the small fraction of Chinese in the city's population; so in San Francisco today.

In Singapore an unpopular ordinance is the signal for rioting in the streets until the government gives way.

THE CHINESE FLOOD.

European Shanghai, in which Chinamen were not permitted by the letter of the law to live, is coming to be owned and occupied by the Chinese, who number 175,000 as against 4,956 foreigners, including 1,759 British and 450 Americans, and who have the native city in addition, immediately adjacent, with 120,000 population.

Hong Kong in 1893 had 8,545 whites, including the garrison, and 210,995 Chinese, besides 32,035 Chinese boat population.

Singapore, in 1891, had 6,000 Europeans and Americans, including the garrison, 16,000 Indians, 30,000 Malays and 120,000 Chinese. The latter are credited with adding 144,558 to their Singapore population in 1893

alone. They are overwhelming, also, the Malay protected states, where they already exceed in number the Malay population.

The choice for the Philippines is between the Chinese conditions of Java and of the Straits Settlements. The statements quoted show that the unlimited use of John Chinaman is not an unmixed blessing even to the dominating whites, who would profit by his efficiency as a laborer. That the Dutch policy in this matter in Java is better for the Malay natives than the English policy in the Straits Settlements is admitted by the English themselves, who have studied the subject. Rev. George M. Reith of Singapore, in describing his travels in Java in 1896, questions whether the natives would be better off under British rule, and adds: "In some respects their condition would be worse, for Englishmen could have no patience with the indolence of the natives and would permit John Chinaman to invade the country with an army of coolies, before whom the less hardy Malayan races would pass through poverty and debt out of existence. The Dutch more truly protect their native subjects than the English do."

Speaking broadly, the Dutch policy makes of the Malay a worker; the Straits Settlements policy confirms him as a loafer.

JAVA'S POLICY BEST FOR LUZON.

Luzon has already more than the Javanese percentage of Chinese in its population, and as in Java they are very largely engaged in trade. In Manila the Chinese are estimated at 15,000 in number, and the Mestizoes—half Chinese, half Filipino—at 45,000, aggregating 60,000 in a total population of less than 300,000. In the whole of the Philippines Foreman estimates that the Chinese number 100,000. These thousands are ample to perform for years those functions for which the Chinese are believed to be essential. When the great works of the islands are undertaken, as in extensive railroad and highway building, and in the thorough development of vast areas of rich timber and mineral lands now uninhabited or peopled only by wild tribes; after full utilization of available and suitable Filipino labor the temporary importation of some Chinese workmen may possibly be taken into consideration, but it is not necessary to cross that bridge until we reach it.

The methods employed in Java of protecting the native population in the possession of the arable land and of the labor field, and of pressing them in every fair and justifiable way to work is clearly better for the welfare of the natives than the other policy of seeking the cheapest and most effective labor wherever it may be found, and of throwing open the soil and the life-supporting occupations of the land to the unrestricted competition of the whole world.

A CHOICE OF POLICIES.

Our ultimate purpose with reference to the Filipinos will determine our wisest policy in the labor problem. If it is conceivable that we should in the end abandon in despair the idea of working in partnership with the refractory Filipinos, and should devote ourselves exclusively to the task of amassing the greatest possible profit from the productive soil of the Philippines, regardless of the welfare of their present inhabitants, we would in that event do well to flood the islands with several million Chinamen. These invaders, gradually depriving the natives of the means by which life is sustained, would destroy the Filipinos more completely

and more surely than the largest army and the strongest navy which we could send against them.

If, on the other hand, we succeed in convincing the Filipinos that our interests are identical with their own, and that our desire is to move forward hand in hand with them to the development of the islands and into an era of common prosperity, our policy will be to shut out for the present the threatening Chinese flood and so to regulate incoming labor in the future as both to protect the people of the Philippines in their opportunities to secure life-sustaining work, and to develop to the fullest extent the resources of the islands, a task essential to the welfare of both Filipinos and Americans.

In *The Washington Star* of January 8, 1900, was published a statement of Mr. Wu Ting Fang, the accomplished Chinese minister at Washington, which intimated that exclusion of his countrymen from the Philippines would engender a harsh feeling among the people of China toward the United States, and asserted that development of the abnormally increasing trade with China was undoubtedly due to the friendship which exists between the two countries, and that it surely would continue to grow, providing nothing occurred to disturb the present feeling of the people of his country for America.

THE CHINESE MINISTER'S THREAT.

The veiled threat in this statement is sufficiently obvious. China's trade with the United States and the friendly feeling upon which the Chinese minister says that it is based developed in the face of the fact that the United States had excluded the Chinese from the entire republic, without the excuse of military necessity or expediency, and even regardless of treaty stipulations. If a trade-increasing affection was born in the Chinese after this exclusion in an offensive manner from the United States it might be expected to survive a like exclusion from the Philippines. And especially would this expectation be reasonable when it is considered that the Chinese who come and who wish to come to the Philippines are from south China (Amoy and Canton), while the bulk of our increasing trade is with north China. The two sections are not quick to make sacrifices in each other's behalf. The Peking government is not strong in Canton. South China did not work up much fighting enthusiasm against Japan or rush to north China's defense, even when Japan's choking hand was at the latter's throat. If the north Chinamen find it to their interest to trade increasingly with the United States (and Russia permits) they will not be apt to cease to do so because some of their beloved brethren of Amoy have been compelled to stay at home instead of abandoning their country for Manila.

CONTRAST OF AMERICAN AND SPANISH POLICIES.

The Chinese minister, in reproachful comparison between American and Spanish policy, says: "Under the administration of the archipelago by Spain Chinese were allowed to freely enter and depart from the islands."

The records of the Chinese in Manila as given by Foreman show that in 1603 the Chinese were first goaded into hopeless revolt and then slaughtered, about 24,000 being killed or taken prisoners.

In 1639 the Chinese again unsuccessfully revolted against official

robbery and oppression. During this conflict an edict was published ordering all the Chinese in the provinces to be slain.

In 1660 there was another rising of these people, which terminated in a great massacre.

In 1755 all non-Christian Chinese were expelled from the Philippines.

In 1763 the Chinese co-operated with the British who occupied Manila, and about 6,000 of them were murdered by the Spanish in the provinces.

In 1820 a general massacre of Chinese and other foreigners took place in Manila.

The history of the last one hundred and fifty years shows that the Chinese, although tolerated, were always regarded by the Spanish colonists as an unwelcome race, and the natives have learned from example to despise them.

As the Chinese minister truly says, Spain allowed the Chinese "to freely enter and depart from the islands," but they were murdered by the natives if they attempted to cultivate lands in the interior, and they retained their foothold in Manila largely through continuous bribery of the Spanish officials and held it subject to official robbery, and to the chance of losing their lives in one of the periodical massacres. They were allowed to "freely enter" a place where they were hated, despised, insulted, burdened with heavy taxes, robbed through official extortions, goaded to discontent and then slaughtered.

EVEN MASSACRES DO NOT LESSEN CHINESE TRADE.

On the occasion of the first great massacre of the Chinese by the Spanish the latter feared lest their trade with China might be affected thereby; "consequently they hastened to dispatch an envoy to China to explain matters and to reassure the Chinese traders. Much to their surprise they found the viceroy of Canton little concerned about what had happened, and the junks of merchandise again arrived as heretofore."

If the massacre of thousands of Cantonese in Manila did not affect Canton trade with Manila even for a month, shall the preventing of Cantonese now at home from going to Manila diminish the trade of the United States with North China? Is it not more considerate to shut out the Chinese from Manila than to permit them freely to enter, as the Spanish did, in order to rob and murder them?

The Chinese government has not always shown that tender care of its people who insist on leaving home which Mr. Wu Ting Fang thinks would be shown if no more Chinese are for the present permitted to enter Manila. Its indifference to their massacre was displayed not only in the case of the Manila incident, but as late as the middle of the eighteenth century in Java also.

Miss Scidmore, in her volume concerning Java, says: "In time the Chinese (in Batavia) fomented insurrection against the Dutch, and in 1740, joining with disaffected natives intrenched themselves in a suburban fort. The Dutch in alarm gave the order and over 20,000 Chinese then within the walls were put to death, not an infant, a woman nor an aged person being spared. In fear of the wrath of the Emperor of China elaborate excuses were framed and sent to Peking. Sage old Keen Lung responded only by saying that the Dutch had served them right; that any death was too good for Chinese who would desert the graves of their ancestors." Unless this emperor erred, which is unthinkable in China,

the American policy must receive celestial indorsement as preventing certain Cantonese and Amoy men from unpatriotically and sacrilegiously deserting the graves of their ancestors.

EXCLUSION IN THE INTEREST OF THE CHINESE.

The Filipinos hate the Chinese. One of the planks of the platform of the revolt against Spain demanded the exclusion of the latter. They will not be permitted to enter under our control of the islands for the purpose of robbing them and of killing them if they resist. They will be protected by us. The duty to defend the newcomers, taken in connection with the Filipinos' jealous hatred of them, will cause them to become an unending source of disturbance to us, a constant annoyance and care. If there were no other reason than this for preventing a large increase of their present numbers, it might not suffice. But the fact remains that if the United States, in the interest of the Filipinos, regulates and restricts firmly and justly the incoming of additional Chinese, it will serve the real interests of the Chinaman as well as of the natives. It is better for the Chinese themselves that they should be kept at home under the American policy than that they should freely enter under the Spanish policy to face the hostile Filipinos. At this time, when the United States is laboring with all its might to eliminate the causes of Filipino disturbance and to quiet the land, it would be folly to take on deliberately and unnecessarily a fresh breeder of strife.

The Chinese minister does not do well to threaten the United States even indirectly and remotely with loss of Chinese favor and Chinese trade. The republic is the only great power which is not covetous of China's territory, which has never played the part of national highwayman toward it, whose present policy distinctly tends to prevent China's dismemberment, and whose trade aspirations in Asia, if realized, will be as beneficial to China as to the republic itself.

CHAPTER IX.

EXCLUDE THE CHINESE.

The Real Yellow Peril—Filipino Hostility to Chinese as Strong and Well-Founded as Ever—Congressional Action on the Subject in Renewal of Law Excluding Chinese from United States—Fresh Evidences Submitted by General MacArthur in His Report of July, 1901—Moros as Workmen—Philippine Commission's Views.

December, 1902.

The thirty months which have elapsed since the preceding chapter was written have altered neither the conditions nor the reasoning based upon them. It is as evident in 1902 as in 1900 that if we abandon in despair the idea of working in partnership with the refractory Filipinos and "devote ourselves exclusively to the task of amassing the greatest possible profit from the soil of the Philippines, regardless of the welfare of their present inhabitants," we would in that event do well to "flood the islands with several million Chinamen." For these invaders, "gradually depriving the natives of the means by which life is sustained, would destroy the Filipinos more completely and more surely than the largest army and the strongest navy which we could send against them."

It is equally clear that if we adopt the other solution of the labor problem and succeed in convincing the Filipinos that our interests are identical with their own, and that our desire is to move forward hand in hand with them to the development of the islands and into an era of common prosperity, our policy will be "to shut out for the present the threatening Chinese flood and so to regulate incoming labor in the future as both to protect the people of the Philippines in their opportunities to secure life-sustaining work and to develop to the fullest extent the resources of the islands."

INCREASED INTEREST IN CHINESE EXCLUSION.

Americans of 1902 have been even more interested in the study of the question of unrestricted Chinese immigration than they were in 1900. The law shutting out such immigration from the United States expired May 5, 1902, and the fierce struggle over the question of the renewal of the exclusion act made the issue one of urgent national concern. The indications pointed clearly to a combination between China's diplomatic and consular representatives in America, Pacific transportation companies and certain American employers of cheap labor to prevent the enactment of legislation renewing the exclusion act until after the expiration of that law, and in the interval between its termination and reenactment to pour as many as possible of Chinamen into the United States and its appurtenant territory, flooding and doing infinite damage to the adjacent Philippines. This concerted effort was of course unsuccessful.

The present national tendency, quickened by the tragedy at Buffalo, is toward more rigid restriction than ever of immigration into the United States. Any change in the statutes on this subject will inevitably be in the direction of further protection of American national character and life, and of the American workman and his home, by absolutely excluding from the body politic unassimilable elements which threaten blood poisoning.

This national sentiment, which in the recent renewal and strengthening of the exclusion law shut out the Chinese as vigorously and completely as ever from the United States, will erect higher and stronger barriers against the anarchists, criminals and paupers of Europe, and may be relied upon to protect the Filipinos also against the Chinese peril. A determined and organized effort to exclude the Philippines from the operation of the exclusion act completely failed, and the republic and its appurtenant territory are in this law placed on the same footing. [See appendix.] The reasoning in the two cases is not, however, precisely the same. The opportunity to enjoy flexibility in local laws on this subject and not to be bound by the national law in every case is one of the valuable privileges of American appurtenant territory and cannot wisely be permanently surrendered. But for the present the national law and the national idea at its foundation are admirably adapted to promote the welfare of the Filipinos; and the republic thoroughly aroused to the importance of the issue will at the same time protect the American workman and the national spirit and character, and preserve for the Filipino workmen of the future the opportunities of self-support.

GEN. MACARTHUR AND JOHN CHINAMAN.

The policy of regulating Chinese immigration into the Philippines, urged in the preceding chapter, has been continued and applied with good results in the government of the islands. General MacArthur, as military governor, followed consistently the course suggested by him in his talk with me at Bautista. In his final report of July, 1901, he says of the Chinese:

Such a people, largely endowed as they are, with inexhaustible fortitude and determination, if admitted to the archipelago in any considerable numbers during the formative period which is now in process of evolution, would soon have direct or indirect control of pretty nearly every productive interest, to the absolute exclusion alike of Filipinos and Americans.

This view is stated with considerable emphasis, as unmistakable indications are apparent of organized and systematic efforts to break down all barriers, with a view to unrestricted Chinese immigration, for the purpose of quick and effective exploitation of the islands—a policy which would not only be ruinous to the Filipino people, but would in the end surely defeat the expansion of American trade to its natural dimensions, in what is obviously one of its most important channels. In this connection it may not be improper to state that one of the greatest difficulties attending military efforts to tranquillize the people of the archipelago arises from their dread of sudden and excessive exploitation which they fear would defraud them of their natural patrimony, and at the same time relegate them to a status of social and political inferiority.

FILIPINOS ARE GOOD WORKMEN.

Reiterated assertions to the effect that native labor in the Philippines is unreliable must be accepted as coming almost exclusively from Europeans, who primarily are exploiters, pure and simple, and, as such, have absolutely no interest in the islands beyond the immediate realization of enormous profits. Under the old system the wages of labor were too small to establish anything like a sense of self-interest on the part of employes, and as a consequence solicitude for the interests of employers did not exist, and workmen, as a rule, were indifferent as to their own constant employment and had little concern about the future, as their own wishes or interests were never consulted. American experience, so far as public employes are concerned, has not confirmed the declaration of the Europeans. On the contrary, it has been found that when properly paid the Filipino is precisely like any other man, and holds on to a good place by reason of fidelity and faithful service.

In view of the foregoing premises the military administration has rigidly enforced regulations excluding Chinese immigration from the islands; not in a spirit of hostility, but in pursuance of instincts of self-preservation. Individually a Chinaman represents a unit of excellence that must always command respect and win admiration, but in their organized capacity in the Philippines the Chinese represent an economical army, without allegiance or attachment to the country, and which, to a great extent, is beyond the reach of insular authority.

They are bent upon commercial conquest, and as those in the islands already represent an innumerable host at home, even restricted immigration would represent a serious menace.

The ultimate interests of America in the east depend so much on a correct solution of this problem that the attitude of the military government in respect thereof is respectfully submitted with request for very careful consideration of the same, and further action is recommended in the premises, looking to gradual decrease of the Chinese now in the islands, which might be partially accomplished by prohibiting the return of all individuals who have been absent for six months, or hereafter may absent themselves from the islands, and remain so absent for the same time.

FILIPINOS BETTER THAN CHINESE.

In the report of Capt. Thomas Swobe, chief quartermaster, submitted by General MacArthur, occur the following remarks on the same subject:

One hears a great deal of the necessity of introducing Chinese labor into these islands to meet the demands of commerce. It has been my experience that any labor which can be performed by the Chinese can be performed equally well by the Filipinos. The latter, moreover, have marked advantages over the Chinese, inasmuch as they are more amenable to discipline, more imitative in their methods, more enthusiastic in their work for the work itself and more easily assimilated by American workmen. While most of the coal is unloaded in this office by Chinese labor, employed by contractors, yet all the loading of coal from this office is done by Filipino workmen at 40 cents, gold, per day. I have studied carefully the efficiency of these two classes in this particular work, and I unhesitatingly pronounce in favor of the Filipino. The Filipinos are certainly far superior to the Chinese in loading and unloading forage. Moreover, they show adaptability in handling the live stock and in workmanship in the repair and saddler's shops, which I don't believe can even be equaled by the Chinese labor in these islands. I have dwelt at some length on the efficiency of Filipino labor, which, as yet, is in its infancy in expert work, for the reason that I have had to handle a vast amount of it, and have studied it to an extent where I think my opinion may be of some value.

GEN. CROWDER'S VIEWS.

In the report of Gen. E. H. Crowder, military secretary, the subject is thus discussed:

It is believed that the reasons upon which were based the present liberal regulations governing the return to the islands of former Chinese residents of the archipelago will have ceased to exist by December 31 next, at which time it is recommended that these regulations be repealed and the exclusion be made as complete as in the case of the admission of Chinese to the United States. It is the judgment of nearly all who have direct knowledge of the conditions here that the interests of the archipelago and of the Filipino people demand the application of stringent regulations on Chinese immigration, amounting to practical prohibition.

By an unswerving co-operation, mutually assisting and protecting each other, the Chinese element can hardly fail in any country to be successful in commercial and industrial competition with other races. How detrimental eventually Chinese control is to any branch of commerce or industry finds one of many illustrations in the case of the tobacco interests in Luzon, in which, having gained control of the production of the raw material, they were able to likewise control its manufacture in these islands, with the result that their methods, having in view greatest immediate profits only, soon threatened to ruin a leading industry in the Philippines.

The consensus of the best opinion among those who have long resided in this archipelago and have become acquainted with conditions of the country and the people is that there is no necessity for any considerable increase in the number of Chinese here, and that their influx in large numbers is detrimental to the future development and welfare of the islands and their inhabitants. It is recognized that there are at present certain classes of skilled labor for which it is impossible to secure native mechanics in sufficient number; such are, perhaps, a few of those concerned in the construction and repair of ships, expert stonecutters and a very limited number of other artisans. Manual training schools will, however, provide skilled workmen in all trades within a few years. Should it be deemed necessary to do so, Chinese mechanics of these classes might be admitted temporarily under proper regulations, without interference with a general policy of exclusion, which, it is thought, should be the policy to be adopted permanently.

From the report of Gen. James F. Smith, collector of customs of the islands and of the chief port, the following extracts on this topic are of interest:

In September, 1898, by virtue of an order of the military governor, the Chinese exclusion acts in force in the United States were made operative in the Philippines, and since that time all Chinese persons except former residents and those belonging to the exempt classes have been refused permission to land in the islands. Residents who left the archipelago subsequent to the promulgation of the order are not permitted to return unless they produce certificates of residence issued to them by the collector of customs prior to their departure. These certificates, until April 16 of the present year, identified the person to whom issued by thumb marks and such scars, signs and facial and personal characteristics as would render identification on

return reasonably certain and definite. Since April, 1901, however, owing to an attempt to float fraudulent certificates printed in Hong Kong, and quite skillfully forged, all departing Chinese have been obliged to produce duplicate photographs of themselves, one copy being firmly attached and sealed to the certificate issued and the other affixed in the same manner to the retained stub. Return certificates are only delivered to departing Chinese on board the vessel on which they have taken passage, immediately prior to the hour of sailing. The certificates are only receivable at the port from which issued.

Chinese residents who left the islands between December 31, 1895, and September, 1898, have been permitted to return on the production of satisfactory evidence of former residence, but I think that privilege should now be cut off, inasmuch as all such persons have had ample time to return to their homes, and a further continuance of the grace will only serve to make a fat livelihood for the conscienceless brokers who, for a consideration, stuff prospective Chinese immigrants with such information as may enable them to pass the trying examination to which they are subjected.

COMPLAINTS AGAINST EXCLUSION.

Some merchants, a few large property owners, nearly all contractors and all those engaged in enterprises of such magnitude that cheap labor counts as one of the elements of success, complain not a little that the unlimited labor market of China, just over the way, has been closed to them, and that the material progress of the country must suffer for want of a labor supply possessing the ideal elements of cheapness, adaptability, patience and uncomplaining industry. There is no question but what unlimited Chinese immigration would for a time give an immediate and powerful impetus to manufacturing, railroad construction, ship building, the making of high-ways, and even to the larger farming industries, but it is very questionable whether the benefit so accruing would anything like balance the incalculable damage and ruin which would befall the great mass of the population "to the manor born," who would be deprived of employment and who would but little appreciate a material progress of which they were not partakers, and which brought them neither happiness nor prosperity.

The Filipino has within him all the elements that go to make up the good workman, artisan and mechanic. All that is required to develop them is the encouragement of a fair day's pay for a fair day's work, and the security of just and impartial treatment. Even under the discouragement of low wages and the regard in which they are held, Filipino mechanics, Filipino carpenters, Filipino engineers, Filipino cabinet makers, Filipino stonecutters, Filipino farmers and Filipino common laborers have been developed and have not proven wholly inefficient by any means. The number of efficient can be increased by paying living wages, and I think any competition which would reduce the daily wage below the amount required for the proper support of the laborer and his family (a bit numerous in the Philippines) would seriously retard the progress of those for whose advancement the government stands pledged.

THE MORO AS A WORKMAN.

The opinions already quoted concerning the efficiency or the promise of efficiency of the Filipinos as workmen are based very largely, if not exclusively, upon observation of the Tagalogs and Visayans in Luzon and the central islands of the archipelago. In the Southern Philippines the Moros are the only available laborers, the Chinese serving as the merchant class and controlling the trade. Gen. George W. Davis, while in military control of Mindanao and the Sulu Archipelago in his report of 1902 discussed in an interesting fashion the Moro as a laborer, present and prospective, saying:

If the Moro and pagan lands are ever to become productive, the native inhabitants must supply the laborers, and they must be taught that labor is honorable and its remuneration certain. * * * Whatever may be the number of Moros, whether a few or many hundred thousands, all and many times more than all of these people will be needed as agricultural and mechanical laborers and helpers in the cultivation of the soil and the utilization of its productions for the benefit of themselves and mankind. They are able to produce rice, sugar cane, coffee, corn, cattle, beautiful woven fabrics, and thrusting and cutting weapons; they manufacture bronze cannon and gunpowder, and give surprising proofs of their ingenuity and industry. Their Moro boats are fashioned and rigged and sailed with the utmost skill and are admired by all strangers. A race of men who are capable of doing all this and who possess many manly qualities should be kept alive and not shot down in war. They should be aided and encouraged and taught how to improve their own natural and social condition and benefit us at the same time. Mohammedans in Turkey and India and Java have proved to be industrious and useful members of the communities. Mohammedan Malays in Sarawak, a British protectorate in Borneo, perform all the skilled and unskilled labor of that prosperous colony, and are as plainly showing their adaptability for the higher duties and occupations as have the Japanese. The Moros have certainly equal or greater capacity for usefulness. * * * If the Moros are handled properly they can be started in the same path, and in a generation the existing million of fanatical Moro and pagan savages will be two million of industrious laborers, as industrious and peaceable and contented as the subjects of Raja Brooke in Sarawak.

VIEWS OF THE PHILIPPINE COMMISSION.

The Philippine commission was for some time non-committal respecting exclusion of the Chinese and seemed to avoid discussion of the subject. But Governor Taft (February, 1902), before the Senate committee on the Philippines, contended vigorously against their admission to the islands, both on account of the injury to the Filipinos and the danger that they would make their way to the United States through the archipelago as a gate of entrance. And in the reports of Governor Taft and of the commission for November, 1902, its position is clearly defined.

The commission does not concur in the view that it would be wise to admit Chinese unskilled labor into the islands. The commission does not admit that there will not be a good supply of labor from the Filipino people. It believes that as conditions become more settled, as the Filipino labor is better organized, as the Filipino people are taught the independence and dignity of labor, the supply and efficiency of the Filipino laborers will become much more satisfactory than they are today. The commission is of opinion, however, that there are not sufficient skilled laborers among the Filipinos to meet the emergencies in the constructions immediately necessary for the development of the islands. It believes that shipyards and other industrial enterprises would be established here were there a supply of skilled labor. It suggests that even if it were more expensive than the labor of the United States, the islands might successfully supply domestic needs in shipbuilding. It recommends as a measure of temporary relief the introduction of a limited number, fixed by Congress, of skilled laborers, under bond by their future employers that they should be returned to China in five years, and that while here a Filipino apprentice should be employed for every Chinaman admitted and employed. It believes that this device would secure after five years a sufficient number of skilled laborers among the Filipinos not to require further Chinese assistance. It is suggested that the details of such restrictions might safely be left to the commission, and that the commission might be authorized to impose a small head tax, not exceeding \$50, on each Chinaman so admitted, to reimburse the government for the expense of supervision and enforcement of the restrictions.

Governor Taft's separate report discusses the whole subject interestingly and forcibly. He says:

The complaint of the American and foreign merchants in these islands that the labor to be had here is altogether inadequate has become acute, and the chambers of commerce representing the American, Spanish, English, German and other foreign interests have sent a representative to the United States to invite an amendment to the present Congressional legislation which extends the Chinese exclusion act applicable to the United States to these islands, on the ground that it is necessary to admit Chinese for the business development of this country. On the other hand, it is quite apparent from the declarations of the federal party and other political organizations in the Philippines, and from the vigorous manifesto of the only labor organization in the islands, that there will be much opposition on the part of the Filipino people to the further admission of Chinese. That this opposition has been chiefly due to the competition which the Chinese have offered in the matter of stores and trading is obvious to any one who has looked into the question; but it would be unwise to infer from that that the introduction of Chinese as laborers here would not be a very unpopular policy on the part of the government.

UNLIMITED IMMIGRATION INJURIOUS TO FILIPINOS.

The Chinese laborer becomes a merchant within a year or two after he reaches these islands, and then begins a competition with the Filipino tradesmen which in the end drives the Filipino out of business. Were there unlimited Chinese immigration into these islands, I do not doubt that the tendency would be to relegate the Filipino to the position which the Malay occupies in the Straits Settlements. Most of the avenues of business would be commanded by the Chinaman, as they now are in

Singapore and Straits Settlements, and the islands would ultimately become rather a Chinese country than a Filipino country. It is doubtless true that were the doors opened and the Chinamen allowed to come in freely, it would tend toward a much more rapid commercial and industrial development of these islands than we are now likely to have; but in this respect I think the merchants and others interested would be disappointed in the trend which affairs would take. It has not been possible in Borneo to introduce the Chinaman into the fields; he has declined to become a farmer or a farm laborer in that island, and as the conditions are very similar to those which prevail here, we may expect the same result. There are today, although there may be one hundred thousand Chinamen in the islands, but very few engaged either in farming or in laboring upon farms. The attention of the Chinaman is given either to coolie labor or skilled labor in cities or to the tending of stores and to commercial business. It is quite possible that the admission of Chinamen would reduce the wages of the stevedores, of the domestic servants and of the servants in the cities, but there is grave reason for doubting how efficient the Chinaman may be in the carrying on of farming operations.

ORGANIZED LABOR IN MANILA.

During the year 1902 there has been a movement for the organization of labor in the city of Manila, which doubtless will spread to other parts of the islands. It has been regarded, because of abuses which crept in, as an unmixed evil. I can not think it to be so. If properly directed, it may greatly assist what is absolutely necessary here—to wit, the organization of labor and the giving to the laboring class a sense of the dignity of labor and of their independence. The labor organization in the city of Manila is very much opposed to the introduction of Chinese labor, and their declarations upon this point will find ready acquiescence in the minds of all Filipinos with but few exceptions. The truth is that from a political standpoint the unlimited introduction of the Chinese into these islands would be a great mistake. I believe the objection on the part of the Filipinos to such a course to be entirely logical and justified. The development of these islands by Chinamen would be at the expense of the Filipino people, and they may very well resent such a suggestion. The merchants and others who wish to invest here must take into consideration that labor is always likely for some time to be more expensive in these islands than it is in the United States per unit or product of labor.

Another phase of the labor question which does not seem to have had its proper weight with the merchants of Manila in their demand for the admission of Chinese coolies is the great obstacle which such a policy would present to the opening by the United States of its markets to Philippine products. The existence of cheap Chinese labor in these islands would furnish the strongest and most taking arguments to those whose interests lead to their opposition to the reduction of the tariff, that the reduction would bring American labor and its products into direct competition with cheap Chinese labor and its products in these islands.

EFFICIENCY OF FILIPINO LABOR.

The evidence with respect to the efficiency and quantity of Filipino labor is quite conflicting. I append as exhibits to my report the reports of Major Aleshire and Captain Butt, in the quartermaster's department, United States army, who have had large numbers of Filipino laborers under their control, and who have been quite successful in making them useful. I append also the report of the municipal board, and report of the city engineer of Manila, who has employed a great many Filipinos constantly, and whose evidence, generally, supports that of Major Aleshire and Captain Butt. I append also the last report of the engineer upon the Benguet road, which shows very great discouragement in the use of Filipinos for the construction of public works in the country. I ought to add, on the other hand, that the manager of the Manila and Dagupan Railway Company has informed me that his road was constructed by Filipino laborers almost entirely, except that at one time they brought in quite a number of Chinese for the construction of bridges and the working upon piers. The Chinese did not prove to be satisfactory, and Filipino laborers had to be substituted. On the other hand, the merchants of Manila claim that they find it very difficult to secure satisfactory labor, or constant labor, and that the rates of wages are absurdly high. It is to be taken into consideration that these comparisons of wages and labor are made as to the efficiency with American labor, and as to reasonableness of price with the very low wages paid to Chinamen in Hongkong. Everything is high in Manila. The cost of living is very high, and it is not surprising that the cost of labor should have risen. The very great increase in the foreign commerce and coastwise trade in these islands, together with the needs of the navy and the insular government, has caused a corresponding increase in the demand for all kinds of labor in and about commerce, so that the increase in wages and failure of the local labor supply are easily understood.

ADMIT TEMPORARILY A FEW SKILLED CHINESE LABORERS.

I do not think it would be just to the Filipinos, or a proper course for America in the development of this country, to do more than to extend to the commission the power to admit, upon reasonable restrictions, a certain limited number of skilled Chinese laborers, who may contribute to the construction of buildings and the making of other improvements, and who at the same time by their labor may communicate to Filipino apprentices the skill which the Filipinos so easily acquire. Such skilled laborers might be admitted under bond of their employers that they shall be returned to China at the end of three or five years, the bond containing a provision also that

for every Chinaman imported and employed a Filipino apprentice shall be employed. Further than this it seems to me that it would be unwise to go. But such a provision would probably bring about the establishment of shipyards here, and other enterprises that now are impossible in the Philippines because the proper skilled labor is not to be had.

I am myself by no means convinced that Filipino labor may not be rendered quite useful. The conditions of war and of disturbance throughout the islands for six years have led the men to form loafing and gambling habits, and have interfered with their regular life of industry. Where such restlessness prevails industry is apt to be absent. The Filipino laborers must be given three or four years before an intelligent and just verdict can be pronounced upon their capacity for effective labor. I am confident that it will be greatly better than the suffering merchants of Manila anticipate.

A just view of the future of labor in these islands cannot be taken without considering the dependent condition of the Filipino laborers in Spanish times. Much of the labor was then forced, and there was not a single circumstance that gave dignity to it. The transition from such conditions to one where the only motive is gain must necessarily be attended with difficulty; but when the laborer shall come to appreciate his independence, when he shall know that his labor is not to be a badge of peonage and slavery, when American influences shall make him understand the dignity and importance attaching to labor under a free government, we may expect a great change for the better in the supply and character of labor.

As elsewhere indicated in this book, the Philippines, as American appurtenant territory under the Supreme Court decisions, enjoy the privilege of discriminating treatment and may be exempted from the application of national laws in cases where the local welfare requires it, and it will not injure or embarrass the United States. Consequently there is nothing extraordinary in the plea that an exception should be made of the Philippines in the application of the Chinese exclusion law, and that the conditional, temporary and rigidly restricted admission of a small number of skilled Chinese workmen should be strongly urged. The sentiment in the Congress of the United States, reflecting public opinion, is, however, so strong against Chinese immigration, in any shape, however temporary or restricted, that it will probably be long before the commission's request for discriminating legislation of this kind receives favorable consideration. America dreads to make the slightest opening through which the Chinese flood may find an entrance. It hesitates to permit even the camel's nose to project into the local workman's tent.

CHAPTER X

HINTS FROM CEYLON

Wise Handling of the Public Land in the British Island—Cinghalese and Tamil Labor—Developed Luzon Can Equal Java or Ceylon in Productiveness—Wealth of the Philippines.

(1900.)

Ceylon lies approximately between 6 and 9 degrees north of the equator; Java between 6 and 9 degrees south of the equator. The wet and dry seasons in the two islands do not coincide, though both claim to be always wet, if sometimes wetter. Ceylon, however, in March, when I visited it, was suffering prolonged drought in its hottest month, during the interval between the two monsoons which bring it rain, and failed to display the overflowing richness of tropical vegetation which was in evidence in Java during the rainy season in February. The plantation and labor exhibits of the island seem on a smaller scale than those of Java, which is twice the size of Ceylon and has eight times its population. With these limitations the effect produced upon the observer by Ceylon is similar to that which has been noted in the case of Java. Both islands are beautiful tropical gardens, cultivated to the highest degree, and displaying intense human industry directed by the keenest intelligence.

Colombo, the seaport and metropolis, with its excellent hotels, fine drives and attractive shops, corresponds to Batavia. Kandy, hidden in tropical foliage, seventy-five miles away in the hills, beautifully and healthfully located, represents Buitenzorg. Even the counterpart of the latter's famous botanical gardens is found at Peradenya, near Kandy. In mountain sanitariums there is Nuwera Eliya in Ceylon to offset the Sindanglaya and Tosari in Java. The ruins of the ancient Buddhist city of Anuradhapura in Ceylon tell the same story of an ancient and superior civilization once flourishing in that island which is proclaimed concerning Java by Boro-Boedor and Brambanan. The mountain and valley scenery and the tropical vegetation seen on the trip from Colombo to Nuwera Eliya are to be compared with those observed in Java.

Terraced rice fields, extensive tea plantations, a small showing of coffee, bananas, palms and bamboo are conspicuous in the vegetation of both islands, and even the same peculiar red earth is to be seen.

Ceylon, with its rubies, sapphires, amethysts and other precious stones, its elephants, its cinnamon and other spices, is believed to be the Ophir of the ancients, and the same extravagant eulogies upon its attractions have been applied to it as I have quoted from the Englishman, Alfred Russel Wallace, concerning Java. M. M. Ballou, an American, prints of Ceylon that it is "one of the most beautiful regions in the world," "the very gem of the equatorial region," "a very Gan-Eden, the fairest known example of tropical luxuriance in all its natural features, its vegetable and animal kingdoms, its fruits, flowers and scenery."

Luzon is not to be left behind in this distribution of superlatives. Ramon Lala sounds the praises of that island and the Philippines generally in a manner which shows that they are worthy to be compared with the other insular gardens, and which leaves nothing in the way of eulogy to be desired. He says: "Earth possesses no scenes more beautiful than those to be found in this verdant and blooming archipelago—from its northern to its southern verge, this magnificent rosary of glowing islands

that nature has hung above the heaving bosom of the warm Pacific. Of them all none is more beautiful than Luzon, the largest and richest of the whole, with its vast variety of attractive scenery, mountain and plain, lake and stream, everywhere rich with glossy leafage, clustered growths of bamboo and palm, fields of yellow cane and verdant coffee groves. * * * Here an abundant rainfall, an equable climate, a rich soil and the warm influences of the equatorial waters combine to yield a luxuriant beauty and variety of scenery."

In 1815 the native king of Kandy was overthrown by the British, and Cinghalese independence was extinguished. Title to the soil, previously in the native sovereign, passed to the British government. The island has been governed as a crown colony, which is described as "a despotism tempered by the colonial office and question day in the house of commons." Voicing public opinion freely in the machinery of government is the legislative council of seventeen members, nine of whom are office-holders, and eight unofficial members, of whom three are Englishmen and five are Cinghalese, Tamil, Moormen and Eurasian.

LAND TENURE IN CEYLON.

The British government adopted, after an experimental interval, an entirely different policy in handling the soil of the island from that pursued by the Dutch in Java. Instead of leasing land or giving annual possession and participating with the cultivator in division of crops, the government, when it parted with the land, sold in fee simple and its responsibility ceased. Compulsory labor was abolished in 1832, and the cinnamon monopoly in 1833.

Until 1833 the government gave title to planters who would cultivate the soil. Since that year a price gradually increasing has been charged.

Total area of Ceylon, 15,809,280 acres.

Crown land sold between 1833 and 1896, 1,471,272 acres.

Areas disposed of to private parties by grants, sales, etc., prior to 1833, 2,500,000 acres, approximately.

Roughly, therefore, private lands are nearly 4,000,000 acres, or about one-fourth of the island. Of the remaining three-fourths the greater part belongs to the crown as uncultivated ground.

It is estimated that about 800,000 acres of land (say 600,000 suitable for hill-country products, tea, cinchona, coffee, etc., and pasturage, and 200,000 in lower altitudes for tea, cocoa as well as cocoanuts, and cinnamon) are held by European planters, against nearly three times this aggregate held by natives.

It is estimated that the total area of the island which may be cultivated is from five to five and one-half million acres, of which from two and a half to three and a half million acres, according to varying estimates, are under cultivation. Thus there are approximately 2,000,000 acres of land in Ceylon still held by the government which may be taken up and cultivated.*

Though the government did not become a direct cultivator of the land, through a series of active and intelligent governors general and

*The Philippine commission reports that the total amount of land in the Philippine Islands is approximately 73,345,415 acres. Of this amount it is estimated that about 4,940,000 acres are owned by individuals, leaving in public lands 68,405,415 acres. The land has not been surveyed and these are merely estimates. Of the public lands there are about twice or three times as much forest lands as there is waste land. The land is most fertile and for the greater part naturally irrigated. There was a very great demand for this land, but owing to the irregularities, frauds and delays in the Spanish system the natives generally abandoned efforts to secure a good title and

other officials it co-operated heartily with the large individual land-owners in developing the agricultural resources of the island.

The British planters in Ceylon have associated themselves to experiment and investigate in order to work their property to the best advantage, and through their intelligent and co-operative labors much has been done for the development and prosperity of the island. When blight had destroyed the coffee plants, which were their main product, and Ceylon's resources seemed exhausted and the island threatened with bankruptcy, they abandoned coffee, revolutionized the agriculture of the island, substituted tea and pushed the new experimental product with tremendous vigor, with the result of rehabilitating the island financially and introducing an era of renewed prosperity.

CEYLON'S LABOR SYSTEM.

In Ceylon the Chinese have no foothold whatsoever. This productive little island not only furnishes means of support to its three millions of permanent population, but an army of Tamils is brought over each year from closely neighboring southern India to supplement the Cinghalese labor in the tea and other plantations. Thus the British are enabled by combination to utilize the resources of their Asiatic possessions to ward off famine in drought-threatened southern India and to develop fruitful Ceylon. The Cinghalese are not seriously injured by division of the plantation work, since they find ample and more congenial life-sustaining opportunities in trading, small farming, carting produce and in handicrafts. A similar annual migration of Tamils moves to Burma and returns. In 1895 123,611 Tamils came to Ceylon, and in 1896 128,350. The number recorded as returning in each of these years was less than 100,000, so that part of the immigration may be viewed as natural and permanent. Of Ceylon's fixed population of 3,000,000 over 700,000 are Tamils. This importation of plantation labor, though all in the British colonial family, so to speak, involving a very slight change of location, as from one province to another, and unaccompanied by any striking injury to the Cinghalese residents of the island, is still objectionable as reducing the strictly local opportunities for labor. John Ferguson, in the *Ceylon Directory* for 1898-99, says on this point: "In the interests of this colony and of its great tea industry, as well as that in other new products now receiving attention, apart from the public works in hand, we must hope that there may be a gradual advance in arrivals of Tamils for some years to come, although it may even be an advantage to the island that the local native population, especially Sinhalese (Cinghalese), should more largely share in the earnings for work on plantations."

The author above quoted is the editor and proprietor of the *Ceylon Observer*, an old resident and champion of the planting interests, and a high authority on all matters pertaining to Ceylon. I met him in Colombo, and through him obtained information on a variety of pertinent topics. Concerning England's method of abolishing slavery in Ceylon he said: "Slavery was abolished here by proclamation; but fifteen years, approximately, between 1830 and 1845, were required before it

contented themselves with remaining on the land as simple squatters subject to eviction by the state. In 1894 the minister for the colonies reported to the Queen of Spain that there were about 200,000 squatters on the public lands, but it is thought by employes in the forestry bureau who have been in a position to know that there are fully double that number. In the various islands of the archipelago the proportion of private land to public land is about as above stated (approximately 1 to 14), except in Mindanao, Mindoro and Palawan, where the proportion of public land is far greater.

became completely effective. There was provision for compensation, but most of the slave owners did not exact it. The amount paid in this compensated emancipation was consequently small, and was received almost exclusively by the poorest of the slave owners. The slaves had been well treated, their burdens were light and their nominal liberation made little difference in the domestic relations, the ex-slaves remaining as servants, and generally treated precisely as before."

Concerning polygamy he said: "The English do not meddle at all with Mohammedan polygamy. It is part of that religion; but the practice has been decreasing and may die out on account of the increasing expense which it involves. Among the Cinghalese the associated practice of polyandry existed as a custom. With consent of the Cinghalese leaders polyandry was abolished fifty years ago by ordinance. But the legislation was far ahead of the times. The mass of the people knew nothing of the statute and followed old customs. Finally, twenty years ago, another ordinance became necessary, recognizing polyandry during the period and legitimatizing issue."

The Cinghalese are free from famine and epidemics, industrious and well employed. They are apparently prosperous and happy in spite of their habit of growling, which habit may be accepted as evidence of the extent to which they have been Anglicised.

Ceylon as a colony pays; that is, its receipts readily meet its expenditures, and its possession, instead of involving any drain on the imperial treasury, is a financial gain to England.

Though it contains 3,000,000 of Asiatics, its affairs are so well regulated and its docile population has so little real cause for discontent that a single regiment constitutes Great Britain's military representation on the island. The force in Ceylon in 1898 was composed of 1,483 Europeans and 238 natives. There is also a volunteer regiment, paid for by the island, which in 1898 numbered nearly 1,100, including officers, made up of British-born Eurasians, Malays, Tamils, Cinghalese and others, and a police force of 1,600 men, of whom only 42 are Europeans.

The English in Ceylon, as in India, have respected the rights, traditions and religions of the natives, and have increased local prosperity, while expanding imperial trade by creating extensive public works, which have developed to the utmost the resources of the colonies. India imports more from Great Britain than any nation of the world, and stands third in exports, being surpassed (1895) only by the United States and France.

The lessons taught by India are many and valuable, but when I traveled through it in the spring it was cursed with famine, plague, cholera, smallpox, dust and heat, and its external appearance and the condition of its people forbade its use as a shining example of a prosperous and obviously well-managed colony. Attractive Ceylon furnished much greater inspiration to the study and emulation of British colonial methods.

The English policy, in respect to the education of the natives, which includes teaching them systematically the English language, is clearly, as I have already said, that which the United States should adopt rather than the Spanish and old Dutch policies of forbidding the natives instruction in the language of the dominating whites and of keeping them ignorant in order that they might continue docile. There is a confession involved in the abandonment by the Dutch of this policy.

The geographical position of the Philippines is such as to give to the islands a wonderful variety of climates and temperatures and a corre-

sponding diversity in products. Their greatest dimension is along the north and south line. They stretch from near the northern edge of the torrid zone at 21 degrees north latitude for more than a thousand miles to a latitude less than 5 degrees from the equator. Luzon covers nearly twice as many degrees of latitude as the larger Java, which stretches east and west. It is also farther from the equator, and approaching as it does to the edge of the temperate zone, through the addition of the low temperatures contributed by the altitudes attained by its hills and mountains it has a wide range of products—from rice, sugar and coffee to tobacco and hemp, from tropical growths to many which flourish in the temperate zone. It is located in the same volcano belt with Java, and its soil on this account displays the same extraordinary fertility and productiveness. It has as large a percentage of arable land and as favorable conditions of sun and rain, and, as stated, it is fitted by nature to produce a wider diversity of crops than either Java or Ceylon. There is no reason why Luzon should not be developed into a tropical garden, highly and scientifically cultivated like Java and Ceylon, just as beautiful to the eye, just as prosperous and profitable commercially, with people at least as well governed and just as well fed and content. The wealth of our Asiatic possessions is suggested by the fact that if Luzon did not belong to us we would still be able to offer for comparison with Java and Ceylon an island endowed by nature with the soil and climate which fit it to be developed in their likeness, and distant from the equator almost precisely the same number of miles as the Dutch and English islands.

	Area.	Latitude.
Java (Dutch).....	50,800	Between 6° and 9° south.
Mindanao (American).....	37,256	Between 6° and 10° north.
Ceylon (English).....	25,365	Between 6° and 9½° north.

Our tropical possessions and present dependency (Cuba) are so admirably situated, with so large a percentage of their area just within the torrid zone, and of highly diversified surface, that not merely the products of the temperate zone, but some portion of its health-giving atmosphere, may be found within their limits. In other words, by judicious use of their altitudes Cuba, Porto Rico, the Hawaiian Islands and Luzon are readily habitable by people from the southern portions of the north temperate zone, and the dictum that white men cannot live and flourish under the equator misses its application.

Islands arranged according to latitude, the figures showing degrees of north latitude:

	Area in square miles.	Extent.
Cuba	45,883	To over 23 degrees from nearly 20 degrees.
Oahu	600	To nearly 22 degrees from over 21 degrees.
Hawaii	4,200	To over 20 degrees from 19 degrees.
Porto Rico.....	3,668	To over 18 degrees from nearly 18 degrees.
Luzon	40,885	To over 18 degrees from nearly 13 degrees.
Panay	4,600	To 12 degrees from 10 degrees.
Cebu	1,650	To over 11 degrees from nearly 10 degrees.
Mindanao	37,256	To 10 degrees from nearly 6 degrees.

Cuba is thus the largest and the most northern. Then in size comes Luzon, followed by Mindanao.

CHAPTER XI

ORIENTAL LESSONS

How to Dispose to the Best Advantage of the Public Lands—More Railways and Better Roads—Ceylon and Java to Hold a Lantern to Guide Luzon's Footsteps—Hustle Not the Mahometan.

(1900.)

The thorough and systematic methods pursued in Ceylon of surveying, classifying and in every way obtaining accurate information concerning the public lands, and then of building highways and railroads and encouraging in every conceivable manner the opening up and cultivation of these areas are worthy of imitation in the Philippines.

Spain had title at the time of the treaty of Paris to the millions of acres of uncultivated land in the islands and to the cultivated areas also, so far as she had not legally parted with the title thereto. By the treaty of Paris all these public lands were ceded to the United States.

The necessity in the public interest of examining carefully and speedily into the validity of the title of the monastic orders to the vast tracts claimed by them has already been pointed out; but this examination may be made naturally and without discrimination, as a necessary incident of Uncle Sam's survey, classification and development of his own property.

SURVEY AND DISPOSITION OF THE PUBLIC LANDS.

In seeking a wise disposition of the land question (which ranks with the labor problem in importance and difficulty) the first step will naturally be to ascertain accurately what lands in the Philippines have not been legally alienated by the Spanish government and are consequently now the property of the United States. A thorough examination of all titles and of all claims to ownership, based upon deeds or upon adverse and undisturbed possession, will be necessary to fix definitely the land held under private ownership, and the lines separating the property of individuals or ecclesiastical corporations and that of the United States must be surveyed and authoritatively laid down.*

*The Philippine commission reports that in the development of the islands it is essential that opportunity shall be afforded for the sale and settlement of the enormous tracts of public lands; that under the Spanish government there were no surveys of any importance whatever, and that the first thing to be done in establishing a public land system is to have the public lands accurately surveyed. This is a work of years, but it is thought that a system of the laws of public land can be inaugurated without waiting until the survey can be completed. Consequently the commission recommends (October 15, 1901) that it be given power to pass a general public land law, making provision for the acquisition of homestead rights, the perfecting of title of those who have in good faith settled upon the public lands and improved the same, and public auction sales of the public lands at a fixed minimum price per acre in tracts of comparatively large extent, and upon such other conditions as the commission may impose; and that this authority shall include the right of the commission to grant to the pueblos commons from the public lands.

See in appendix the civil government act of Congress of July 1, 1902, which responds to this recommendation with elaborate and well-considered legislation concerning the agricultural, forest and mineral public lands of the archipelago.

It will doubtless be the policy of the government to co-operate heartily with the individual landowners, when they are ascertained, in the improvement of both the private and the public lands. The latter are to be accurately and rapidly surveyed, their character and productive capacity learned, and a system adopted of selling or leasing them under conditions which will insure their highest development through the thorough and scientific cultivation of those products for which in each case the soil is best fitted.

DEVELOP RAILROADS AND HIGHWAYS.

The development of Java and Ceylon is largely due to the network of railroads and connected highways—broad, hard, smooth roads—which cover the surface of the islands, and are gradually opening up every nook and corner. In this important work the government can, directly or indirectly, most effectively co-operate. The extensive railroad and highway system in Java has been already touched upon. In comparatively small Ceylon there were over 297 miles of railroad open in 1896, the construction of 71 miles in addition had been sanctioned, extensions of 152 miles had been surveyed, reported on and recommended to the Secretary of State, extensions of 130 miles had been roughly surveyed and estimated, and of 50 additional miles projected. The planters are urging the construction of other lines, aggregating 260 miles, including one which will give direct communication with India by way of Adam's Reef. The government operates and extends the railroad system at a profit. The net earnings of 1896 were 3,690,042 rupees. There has been a profit every year of the government's control except the first two, 1865 and 1866.

THE BENEFITS OF ROAD EXTENSION.

The same vigor is shown in the extension of roads. In 1896 1,239,800 rupees were spent upon 3,492 miles of road. Since 1883 an average of a million rupees a year has been spent on highways. Between that year and 1896 nearly a thousand miles have been added to the highly improved (metalled) roads. The system has also the benefit of a thoroughfares ordinance, imposing a poll tax, under which 635,002 persons were enrolled in Ceylon in 1896 as liable to perform labor. The construction of about 146 miles of new highway is urgently recommended by the planters. On this point Mr. Ferguson says:

Every one of these roads would be of great advantage to the Sinhalese cultivators and villagers, apart from Sinhalese and Tamils who are connected with plantations. The labor force saved by a road in an agricultural district is immense, and a new road is to a considerable degree a gain to the whole colony (part of whose capital is its soil), as well as to the cultivators directly affected. Besides which every mile of road made attracts trade and population, wayside gardens, and boutiques multiply; a new road, too, attracts European capital, creates or draws traffic to existing railways, or ultimately facilitates railway extension.

GOOD ROADS FOR LUZON.

Before Luzon's resources can be equally developed it must be blessed with railroads and highways like those of Java and Ceylon. Its harbors along the sea and its interior waterways give it a start in facilities of communication. But its 120 miles of railroad must be multiplied, and it

must be opened up everywhere by a system of good roads in place of its present wretched apologies for such highways.*

The municipalities of Luzon have not availed themselves of the permission granted by law to levy a tax on real estate for the construction of highways and other public improvements, and there are few worse roads to be found anywhere. Both in Java and Ceylon a poll tax, involving the liability to do unpaid work for the public, is imposed as a substitute for the old system of compulsory labor. So in Luzon every adult Filipino, with certain exceptions, was under obligation to give to the state fifteen days' labor a year or commute the service by money. But much of the fund thus collected was diverted from its legitimate purpose, and the road work done by individual Filipinos was not systematically and effectively utilized, and from its haphazard application was practically wasted. Through the authorized municipal tax and through judicious use of the unpaid workmen, commuting their poll tax, Luzon should readily equip itself with a system of good roads, a monument to compulsory human labor which will bless the workmen.

The government will wisely foster in every way the planting interest of the island and agricultural development. "In all that concerns the prosperity and social advancement of the people," says Mr. Ferguson, "its influence cannot be overestimated; for to those districts where its direct benefits in the dissemination of wealth through laborers, artificers, cartmen, exchange of products, etc., do not reach there come the votes of surplus revenue due to planting, opening up roads, restoring irrigation tanks, building schools, hospitals and dispensaries, and otherwise providing the means of material and moral progress. In such districts no public money could be spent were it not for the increased and increasing revenue created by the planting enterprise."

FOSTER BOTANICAL AND CULTURE GARDENS.

In addition to increasing the facilities of communication and transportation the government can aid in the full development of the agricultural resources of the island by fostering culture gardens where experiments may be constantly made tending to improve the quality of present products of Luzon and to indicate new and valuable growths, not now cultivated, for which the soil may be adapted. The experience of both

*The Philippine commission says (October 15, 1901) that the railroads imperatively needed in the archipelago are those which will penetrate and open up the interior of the two great islands of Luzon and Mindanao, and thereby make possible the development of their natural mineral, timber and agricultural wealth. In Luzon about 1,000 miles of railroad would meet all reasonable demands for many years to come, and could be built at a probable cost of \$35,000,000. This would include a trunk line of about 600 miles in length, extending from one end of the island to the other; an extension of the present Manila and Dagupan railroad northward, say about 200 miles; an east and west line, beginning at Manila, from 75 to 100 miles in length; a line from Dagupan to Benguet, about 55 miles in length, and perhaps two or three other short feeders to the main central line.

The commission recommends that it be given special authority to issue charters to commercial railroads, with power to make donations of lands, or guarantee the interest on the investments, or both; such grants to be subject to the approval of the President of the United States.

The act of July 1, 1902, gives to the Insular government a carefully restricted power to grant franchises for the construction and operation of works of public utility and service. See appendix.

The Philippine commission, by virtue of the authority granted to it, passed an act on December 8, 1902, conferring upon the Manila-Dagupan railroad the right to construct and operate a branch line from Guiginto to Cabanatuan, and two other branches connecting Mahalaacat and Bayambang, respectively, with the main line. On January 8, 1903, the commission passed an act to provide for the appointment of a railroad engineer and an assistant having experience in locating railroads in tropical countries, whose duties it shall be to visit the islands and examine the same with

Java and Ceylon, and especially of the latter, indicates the danger of reliance upon a single great staple. The coffee blight was on this account an almost irretrievable disaster to Ceylon, and under present conditions of prosperity too much reliance is, it is conceded, placed upon tea planting. As already pointed out, the geographical situation of Luzon, in connection with its larger area, endows it with greater capacities for the cultivation of diversified crops than are given to Ceylon.

It is to be hoped that the government will so dispose of the public lands as to build up, in connection with the present private landowners, a vigorous and progressive aggregation of planters, corresponding to the men who were attracted to Java by the money advances and the assurance of raw material furnished by the culture system, and to Ceylon by the gratuitous land grants at first, cheap land always and the encouragement and fostering care of the government.

To the energy and intelligent enterprise of the Planters' Association in Ceylon is attributed much of the island's prosperity. Conan Doyle, referring to the manner in which these men rallied from the blow administered by the coffee disease, says:

Not often is it that men have the heart when their one great industry is withered to rear up in a few years another as rich to take its place, and the tea fields of Ceylon are as true a monument to courage as is the lion at Waterloo. My story concerns the royal days of coffee planting in Ceylon, before a rotting fungus drove a whole community through years of despair to one of the greatest commercial victories which pluck and ingenuity have ever won.

Culture experiments, careful, scientific, long-continued, prepared the way for the triumph which Conan Doyle thus eulogizes. The old botanical garden in Manila, long neglected, can easily be made to rival those at Buitenzorg and Peradenya, with culture gardens for products of the low-lying soil of the island similar to those attached to the famous botanical gardens of Java and Ceylon. Then it will not be difficult to find in Luzon a suitable spot (as in Benguet province) for the experimental culture of growths adapted to the soil of the higher altitudes, like the culture grounds at Tjibodas, on Salak Mountain in Java, and at Hakgala and Anaradhapura in Ceylon.

a view of determining upon the practicable and useful routes for the construction of railroads, and make preliminary reconnaissances and surveys of the same. Full report of these examinations, surveys and conclusions is to be published in the United States for the purpose of encouraging the investment of capital in railroad construction in the archipelago.

According to the commission's report (November 30, 1900) the so-called highways of the Philippines are generally merely rude trails, which in the rainy season, lasting half the year are simply impassable and during the dry season are rough and only available for travel to a very limited extent. The most serious hindrance to rapid and effective movements by our troops has been the inaccessibility of the country in which the insurgents have hidden themselves. The difficulty has not been to overcome but to get at them. The cost of military operations under such conditions is enormously increased, as is the number of troops required. The first law enacted by the commission was one appropriating \$1,000,000 gold to be expended for the construction of roads. While the primary purpose of that appropriation was to enable the military governor to build such highways as were most needed for strategic purposes, being constructed they serve as well for the general uses of the people. It is the desire of the commission, as rapidly as may be, to push the construction of substantial and permanent highways throughout Luzon and the other large islands of the archipelago on some general and comprehensive plan, a large part of the cost of which will be borne by the communities more immediately benefited. In the expenditure of the million-dollar road fund (report October 15, 1901) the selection of the roads for construction has been judicious and the work has been done in a thorough and substantial manner.

By the sundry civil act of March 3, 1903, three million dollars were appropriated for the relief of the Filipinos, and one of the specified methods of using this fund was in payment for native labor applied to the making of government roads.

The Philippines extend through so many degrees of latitude and are endowed with such a wonderful diversity of climatic conditions that the culture gardens cannot be limited to Luzon, but must stretch a carefully located series of stations as far south as Sulu.

The Spanish created a Manila School of Agriculture in 1887 and established experiment stations at various points, but failed to push the enterprise to successful, practical results.*

MAKE HASTE SLOWLY IN REMODELING THE MAHOMETAN.

On other points of doubt in our Philippines problem besides the vital ones of land and labor Java and Ceylon speak with equal distinctness. Concerning Mahometan polygamy they say: Ignore it, permit it to die out naturally, as a barbarous and costly luxury, with the increase of modern influences in the environment of the man who may, if he can afford it, have many wives. Concerning slavery of the mild type that prevails in the Philippines they say: While not countenancing it (and never forgetting that the Constitution does not permit it to exist), do not be impatient if its complete abolition is not accomplished in twenty minutes. "Britons can never be slaves" and "the slave's fetters drop from him as soon as he passes under the British flag." Yet Ceylon was fifteen years a British possession before the abolition of slavery was proclaimed, and another fifteen years and a legislative enactment were required to make the proclamation effective. The suggestion of compensated emancipation in General Bates' agreement with the Sultan of Sulu is in line with the precedents. Both Java and Ceylon offered to compensate the slave

*Having previously established a forestry bureau the commission on October 8, 1901, created a bureau of agriculture to conduct investigations and disseminate useful information with reference to the agricultural resources of the islands, the methods of cultivation at present in vogue and the possibility of their improvement, the practicability of introducing new and valuable agricultural products, the best methods of combating the diseases of domesticated animals and of plants useful to man, the introduction of new domesticated animals, and the improvement of the breeds now found in the islands, and, in general, to promote the development of the agricultural resources of the archipelago.

The reports of the secretary of the interior of the Philippines and of the chief of the agricultural bureau for 1902 show the wide scope of the bureau's useful labors along the various lines of activity above indicated in stating the purposes of its creation.

In the field of botanical investigation, for instance, the culture gardens of Java, Ceylon and Singapore have been visited and studied, and the Spanish experimental farms of the archipelago have been examined and restored to valuable uses wherever they were found suitable. On this general subject the botanist of the agricultural bureau says:

"In the colonial possessions of England and Holland the fact that an accurate knowledge of the flora of the country is the first essential for future successful agricultural and forestry work was realized in the beginning, and, consequently, we find in Java, Hongkong, Singapore, Penang, Ceylon and India long established botanical gardens, each with magnificent collections of growing plants, both native and foreign, large herbaria and complete botanical libraries. In all these institutions the primary object has been to study and classify the flora of the several colonies, and, secondly, to inquire into the economic, agricultural forestry problems. The primary work has been accomplished and now these institutions, thus thoroughly grounded, are working largely on economic questions pertaining to agricultural and timber industries. In the Philippine Islands this same principle finally came to be recognized, but not until after several hundred years of occupation. The Spaniards had, however, done much toward developing a botanical knowledge of the plants of the archipelago, but the invaluable collections and hardly less valuable library were, as already stated, destroyed by fire prior to American occupation, causing a loss which will take years to replace. If, on arriving here, a well-equipped herbarium and library had been found it would have been a matter of but a short time before the botanists' attention could have been turned to economic agricultural and forestry problems.

"Ultimate success in these lines depends upon the establishment of a suitably located botanical garden, the building up of a new Philippine herbarium, and the acquiring of a complete botanical library. A botanical garden in the Philippines is a matter of such great importance to the agricultural interests of the islands that the chief of the bureau has had members of his staff who have had some experience in

owners, though in both cases, for the reasons stated, they managed to accomplish emancipation with the payment of very little cash. I was told by a British official in Singapore that at the present time through compensated emancipation England is slowly making Britons (who can never be slaves) of a section of the population of Zanzibar.

USE THE NATIVES AS CIVIL OFFICIALS AND AS SOLDIERS.

Java and Ceylon not only advise the most considerate treatment of the natives in all relations with them—protection of their means of support and their employment wherever possible in civil official positions—but also give a hint concerning the extent to which they can be safely utilized in the military force as auxiliaries. Two-thirds of the Dutch army in Netherlands India are natives. The single imperial regiment in Ceylon has over 200 natives associated with it, and by its side is a volunteer regiment of Ceylon Asiatics. (Spain, prior to the last insurrection, maintained in the Philippines a civil guard numbering 3,482 and an army of 13,291, of whom only 2,210 were Europeans.) Exclusively European officers are employed as a natural safeguard, and as a similar precaution native troops are stationed elsewhere than in their home province. Java and Ceylon suggest for the Philippines, after the islands are quieted and on a genuine peace footing, the extensive use of natives as auxiliaries, with American officers, and with Tagalog and Visayan soldiers stationed in the southern Philippines and Moro soldiers in the Tagalog and Visayan islands. The good policy of the immediate use of native troops, on the same basis as the Macabebes, arming them at first, perhaps, with an inferior rifle using different ammunition from the regular

such matters prepare papers covering the subject, setting forth plans and suggestions for undertaking the establishment of such a garden here. The difficulty so far has been the selection of a suitable location, accessible to some center of population.

"A thorough and scientific knowledge of the plants of the islands is the basis upon which we must build our future economic work on timber, fiber plants, fruits, medicinal plants, food plants and those that produce dyes, tans, gums, resins, gutta-percha, and, in view of this, the botanical work should receive liberal support."

The Secretary of the Interior, in his report of 1902, says:

"The practical work of the bureau of agriculture will be pushed as rapidly as possible. An experimental station for the testing of seeds and the growing of introduced plants and trees has been established within the limits of the city of Manila, where it can be conducted under the immediate direction of the chief of the bureau, and where the results obtained can be seen by a large number of people. An experiment station for the growing of rice upon a large scale will be established near the center of the great rice-producing area extending from Manila to Dagupan. Other experiment stations will be established as those already provided for are put upon a paying basis. Appropriation has just been made for an extensive stock farm for the introduction and breeding of draft and dairy animals. Provincial boards have been authorized to expend provincial funds for the purchase of draft animals for breeding purposes, with a view to restocking the several provinces with animals which have in the past proved useful and with others which can be profitably introduced. The insular purchasing agent and the chief of the bureau of agriculture have been directed to aid provincial boards in securing suitable animals. The commission is about to authorize the use of government funds for the importation of draft animals to be sold on easy terms in the provinces where they are most urgently needed. The success of this effort to restock the islands with draft animals at the present time is absolutely dependent upon the ability of the serum institute to turn out a satisfactory anti-rinderpestic serum in sufficient quantities, and no effort will be spared to bring the work of the institute to a high degree of efficiency. The examination of the soils of the more important agricultural provinces will be pushed as rapidly as possible, and the results of the work of the bureau of agriculture will be made known by means of bulletins for the benefit of persons resident in these islands and of those who may desire to come here and engage in agriculture."

One of the greatest existing drawbacks upon the agricultural development of the archipelago is the destruction by disease of 90 per cent of the carabaos and almost as great a percentage of the other draft animals of the Philippines. As above indicated the insular authorities have vigorously attacked the rinderpest and other diseases; and it is expected that about one-half of the three million Filipino relief fund, recently appropriated by Congress, will be used in purchasing carabaos and other draft animals to replenish the supply in the Philippines.

army supply and difficult to replenish by deserters, has been strongly urged in conversation with me by several capable army officers.*

The teaching of the Dutch and English policies in the Java and Ceylon of today is that American welfare and that of the Filipinos coincide and are promoted together; that whatever advances the material interests of the Philippines will benefit the republic also, and that the nation cannot permanently and with success selfishly separate its interests from

*In the report of November 30, 1900, the Commission urges the organization of ten regiments of native troops of infantry and cavalry, to be officered by Americans, certainly in the case of field officers and company commanders. Lieutenants might be Filipinos. The commission believes that notwithstanding isolated cases of defection judicious selection and discipline would create a native force both reliable and effective. The history of the Filipino soldier when serving under the Spanish flag supports their view. For many years prior to the outbreak of 1896 the Spanish had less than 5,000 peninsular troops in the archipelago. All the rest were natives. The latter, as a rule, remained loyal to Spain until it was manifest that her sovereignty was ended. This was the case although the masses from which these native soldiers were drawn were cruelly oppressed by the Spaniards, and they themselves were poorly fed and paid inadequately and rarely.

In its report of October 15, 1901, the commission says that subsequent investigation and reflection have confirmed the views expressed in the previous year. The military authorities have from time to time organized numerous companies of native scouts, commanded by American officers, aggregating about 3,500 men. These organizations have uniformly performed faithful and effective service, and there has not been reported a single instance of treachery or desertion.

In September, 1901, it seemed that the conditions formerly requiring a few natives, as scouts, to be attached to each regular organization had so changed that consolidation into actual company organizations could be effected; therefore an order was issued on September 27, 1901, which required that all natives of the islands employed in the military service and known generally as "native scouts" should be organized into companies following the organization, control and administration of a company of infantry, with a total authorized strength of 104. The companies were to be officered by first and second lieutenants, preferably of the Philippine scouts when available. The department of northern Luzon was directed to organize 28 companies; the department of southern Luzon, 6; the department of Visayas, 13, and the department of Mindanao and Jolo, 3—50 companies in all; to be armed with the Springfield rifle or carbine, caliber .45; organization to be gradual, beginning in the department of northern Luzon. The order contemplated that the natives so employed would be contract scouts, paid as formerly from insular funds; but on September 30 telegraphic instructions from the War Department, directed the discharge of all scouts, and the enlistment for three years of natives so employed; these men to be paid from regular army appropriations.

General Chaffee, commanding in the Philippines, says in his report of September 30, 1902:

"A little difficulty was experienced in securing natives for a three years' enlistment, many desiring some assurance that they would not be transferred for duty to any great distance from their home localities, but this prejudice to a considerable degree has been overcome, and now 50 companies are completely organized and equipped, with a total strength in round numbers of 5,000. Fifty first and 50 second lieutenants, each holding a provisional appointment for four years, have, after careful selection, been appointed and assigned for duty, 1 first and 1 second lieutenant to each company. These officers are proving satisfactory and capable, and of the number 3 are natives of the islands—1 a Tagalog, 1 an Ilocano and 1 a Visayan.

"This force consists of 11 companies Macabebes, 13 companies Ilocanos, 4 companies Cagayans (northern Luzon), 4 companies Tagalogs, 2 companies Bicolis, 6 companies Visayans, and are serving as any other regular company organizations. They are fairly efficient and effective on the whole and when carefully officered and looked after serve their purpose well. They may be regarded as a successful adjunct to the regular military establishment in the archipelago. To better enable this native soldiery to learn by contact our methods, ideas, and conduct generally of soldiers toward civilians, it is deemed best in its distribution to station one or more companies of natives, as far as practicable, in garrison with organizations of United States troops. At present this is often impossible, but with building of cantonments or permanent garrisons it should be done.

"The act of Congress authorizing this force provided that the captains for organized companies were to be selected by the President from the first lieutenants of the line of the regular army, and appointed provisionally for four years, and while it is desirable that this be done, yet I hesitate to recommend it now, because of the fact that a large number of officers are already detached from regiments for many and various reasons, so that they are poorly prepared to spare the 50 first lieutenants for the purpose of furnishing captains for the 50 organized companies of native troops. The native companies have usually two officers present, and are in better condition than are regular organizations, which rarely have more than this number actually present for duty with them. It does not seem the time has yet arrived for organizing native troops into battalions, and, for the present, it is not recommended."

The Filipinos are employed not only as scouts or auxiliary troops in connection with the army, but by the commission as municipal police and as the Philippine constabulary, which maintains peace and order throughout the archipelago. There are,

those of the islands, but must profit by sharing in the local prosperity, which in co-operation with the Filipinos it will create and develop.

At every step of the present stage of Luzon's development the experience of Ceylon and Java will repay study.

If the uses to which the precedents of the Dutch and English islands may be put, superficially suggested by me, are systematically and thoroughly developed, Java and Ceylon may hold a lantern to guide Luzon's footsteps in safety over many a dark and difficult path.

for instance, nearly 900 officers and men in the Manila police force. Governor Taft says in his 1902 report:

"Since the 4th of July last, when the civil governments were established through the Christian Filipino provinces, and the military control therein ceased, not a single shot has been fired by an American soldier in the preservation of peace and order, and no request has yet been made of the commanding general for assistance in the suppressing of lawless violence or disturbance. The preservation of peace and order has been wholly committed to the constabulary and to the municipal police. The constabulary numbers something over 5,000 men and the appropriation passed for the ensuing quarter authorized the increase of this number to 6,000 men."

The constabulary was created by act of the Philippine commission of July 18, 1901, and its development has been promoted by a series of commission enactments. The 1902 report of the chief of the constabulary makes a showing of wide scope of operations and great effectiveness. The constabulary July 1, 1902, consisted of 193 inspectors and 5,317 enlisted men. The constabulary was then occupying 202 stations, the army 195, the tendency being toward an increase of the former and a decrease of the latter. The total strength of the army was approximately 20,000 whites and 5,000 native scouts. Speaking of the relative proportions of the army and the constabulary Chief Allen says: "When the undersigned in December, 1901, expressed the opinion that 15,000 white troops, 5,000 native scouts and 5,000 constabulary would suffice to maintain order in the archipelago by January, 1903, it was received with much incredulity. Fortunately there has been an almost complete vindication of the claim, and I doubt whether any unprejudiced person will now question the statement. As the matter is of interest to the higher authorities by reason of excess of cost of white troops over natives and feeling convinced of having a fair knowledge of the situation, I take the liberty of stating that, in my opinion, within six months from the date specified above—that is by July, 1903—a force of 10,000 white soldiers, with the constabulary and scouts working in cordial co-operation, will suffice to meet all requirements connected with the maintenance of order in the Philippines. Whether it be the policy of the government to keep troops in excess of the necessity of the archipelago I am not aware. Strategic and political reasons could be advanced for making this country a place d'armes."

Congress on January 30, 1903, passed an act to promote the efficiency of the Philippine constabulary by giving the rank of brigadier general to the army officer detailed as chief of the constabulary and the rank of colonel to four officers detailed as assistant chiefs. This enactment also authorizes the chief and the assistants to assume command of the native scouts, when the latter are directed to assist in the maintenance of order. Congress thus authorizes the temporary emergency amalgamation of the two classes of native soldiery in the Philippines, under an American brigadier general and four colonels, the chief and assistant chiefs of the constabulary. See appendix.

CHAPTER XII

MANILA'S FUTURE

To Rival All Other Asiatic Cities in Health and Beauty—Our Pacific Terminal City—Needs Cleansing, Smooth Streets, More Schools, Fewer Saloons—Its Unique Attractions.

(1900.)

In transforming Luzon into another Java or Ceylon Manila will, of course, enjoy a corresponding development, displaying all the municipal merits and avoiding all the municipal blunders of the great cities of the east. The attractions of Colombo and Batavia, of Bombay, Madras and Calcutta, of Singapore, Hong Kong and Shanghai are to be noted and reproduced in the model capital of the orient. Whatever tends to make these cities healthful, whatever renders them beautiful, and whatever gives them increasing prosperity is to be adopted, bettered if possible, and applied in the development of Manila.

In Asia the cleanliness which means health is the first municipal virtue. The filth which breeds cholera and the plague is to be the object of incessant assault. Municipal housekeeping is to be characterized by the use of abundant soap and water.

The Dutch and the English have performed the miracle of compelling the Malay and the Chinaman, packed in the close quarters of a city, to be clean. They shall be clean also in Manila.

TO BE CLEANED AND PURIFIED.

Our Asiatic metropolis will lend itself as well to thorough and scientific drainage and is as easily furnished with an ample and wholesome water supply as any of the cities enumerated.

Like all of them but Hong Kong, Manila lies practically at the sea level. There is no general sewerage system, though in the old city sewer connections have been made contrary to law with the extensive surface drainage system emptying into the moat. The "dry earth" or night-soil bucket system which has been introduced and enforced by the American authorities is expected to solve one part of the sanitation problem, while a reduction or cremation plant will be a necessity of the immediate future to dispose satisfactorily of the garbage.*

*The board of health has accomplished an extraordinary work of purification in Manila in the abatement of nuisances during the campaigns against the bubonic plague and against the cholera epidemic which began at Manila on March 20, 1902. In the ordinary routine much has also been done to make the city healthful. Many of the worst districts have been thoroughly cleansed and a strict inspection of the buildings of the city has been maintained.

All the principal streets have been cleaned by the municipal authorities twice and some three and four times daily. A garbage collection system is maintained.

The refuse from street cleaning and that obtained by the collection of garbage are now (1902) disposed of as follows: About 21 per cent taken to sea, 19 per cent cremated and 60 per cent dumped in low places in the suburbs. The city owns two crematories, crude affairs, and expensive to operate. Contract has been let (July 10, 1902) for a crematory to be furnished from the United States with a capacity of 3,000 tons per month, which will, it is thought, be ready in one year's time.

Four new markets have been built by the municipal authorities as sanitary substitutes for filthy, disease-breeding native markets. The largest of the four was completed November 11, 1901, and cost \$155,469.50.

The lack of a sewer system, or of any adequate means for the disposal of human excreta is a standing and serious menace to the public health of Manila. By direction of the commission, the board of health has taken upon itself the disposition of the night soil of the city, so far as this can be collected with existing facilities and it has perfected plans for the introduction of the so-called "pail conservancy system." Adequate appropriation has been made by the commission for initiating the installation of this system, which has begun and is progressing favorably.

Through the beneficence of a philanthropist of the last century Manila is supplied with water of very good quality from the San Mateo River, the pumping station being over eight miles outside the walled city. Ninety-seven per cent of the inhabitants of Manila use water from free public hydrants, and in addition all the streets are sprinkled without cost, and all barracks and schools and many churches and public buildings have free water. A small percentage of property owners pay a water rent, and a tax on meat sold at the markets has paid the remaining expense. The American task in this connection is one of development, improvement and adornment, and not of original creation.*

SMOOTH STREETS AND IMPROVED TRANSPORTATION FACILITIES.

If it requires cleanliness of the individual the municipality must itself keep in perfect order the public spaces, the streets and parks. The irregular stones of that part of Manila which is paved give a street surface which cannot be perfectly cleansed, which jolts and wears the wheels of lighter vehicles, and which harmonizes with and serves as a defense for the abominable means of public transportation which are imposed upon the people. Sanitary considerations require that the streets of Manila shall, like those of the other capitals of the east, be smooth and hard; aesthetic and economic considerations point in the same direction. And when they have had the proper effect the rough stones and the irregular unpaved surfaces will disappear, the uncomfortable and dirty carromattas and other public vehicles will give way to cabs, 'rickshaws, bicycles and automobiles. The carromatta men need not go out of business with the advent of the 'rickshaw, but, cleansed and purified and improved as to their vehicles, they can share the carrying trade with the 'rickshaw men, like the gharry drivers of Singapore. The dirty mule-drawn street cars must make way for the underground electric system. In no other respect does Manila compare less favorably with the attractive cities of the orient than in the condition of its streets and in its means of public transportation. A reform in this respect cannot be accomplished too quickly.†

*The Philippine commission recommends (October 15, 1901) that it be given power to issue bonds for the city of Manila, or to authorize the municipal board to do so in an amount not exceeding \$4,000,000, sufficient to make needed improvements in the water supply and the sewerage and drainage system. This power is granted by the act of July 1, 1902. See appendix. The commission reports (1902) that nothing has yet been done under this act to give the city an adequate water supply and a proper sewer system. It is believed that a competent engineer has been engaged in the United States for this work, but the plans cannot be adopted until careful study has been given them and they have been submitted to a board of engineers.

†The Philippine commission's report of October 15, 1901, says:

"There is no city in the world which is so much in need of electric railways as the city of Manila. The cab system is most defective, and it is necessary for the government to maintain a large number of government cabs for the use of the public offices during business hours. A stringent law has been passed forbidding the use of such conveyances after hours or for the purpose of conveying employees from their homes to their offices. If we had an adequate system of street railways there would be no need of maintaining such an establishment as the government must now maintain. Of far greater importance, however, is the inconvenience to the public arising from a lack of proper street transportation. There is one street railway company, whose right to use electricity or anything but horsepower is in doubt, and whose line is divided into seven different divisions, over each of which it is permitted to charge a regular fare. The line is very poorly conducted and affords little if any accommodation. The reasons for conferring upon some authority the power to grant franchises in this country are manifold, but there is no better illustration of the overwhelming necessity for such a power than is shown in the case of street railway facilities in Manila."

At this date (April, 1903) a contract has been made with a responsible American firm for providing Manila with an extensive and modern electric street railway system, heavy bonds have been given for fulfillment of the contract, work is to begin immediately, and the system will, it is expected, be in operation within eighteen months.

On the 6th of March, 1903, the commission passed an act regulating the grant of franchises for street railway, electric light and power and telephone lines in other municipalities than Manila.

The well-regulated tropical city has within easy reach, for the sake of the health of its people, breathing places, sanatoriums, in the hills or mountains, where the lungs can be refurnished with oxygen and new vigor given to the languid dweller at the sea level in the Tropics. Colombo seeks fresh air in the hills at Kandy or in the mountains at Nuwera Eliya. Batavia refreshes itself at Buitenzorg or at some mountain sanatorium like Sindanglaya or Tosari. Singapore, having no mountain resort of its own, has recourse to Ceylon or Java. The cities of India are well supplied with refuges from the heat of summer in Darjeeling, Simla and other hill stations. For central and eastern Asia Japan serves as a cooling-off place.

A WEALTH OF HEALTH AND PLEASURE RESORTS.

Manila has close at hand and soon to be in quick communication with it a wonderful variety of sites suitable for sanatoriums. Mountains, hills and lakes are in the immediate vicinity. At the mouth of Manila Bay lies mountainous Corregidor, demonstrated through its use by our army for hospital purposes to be always cool and healthful, the ideal site of a summer resort, which mingles in desirable proportions the atmosphere of the hills and of the sea. Within easy reach farther in the interior are picturesque mountain towns, like Majajay, with the waterfall of Botocan, six hundred feet high and sixty feet wide, as an additional attraction. A twenty-mile ride in any direction from Manila will give any required temperature, any desired mixture of sea and mountain air. In his suburban residence the business man of the Manila of the future will be able to sleep, after an hour's railroad ride from the city, in a temperature of forty degrees Fahrenheit. Cool and healthful spots may also be found close at hand and easily accessible through the Pasig, fringing the great basin of Laguna de Bay.

Forty-five miles south of Manila is Lake Bombon, with a most interesting smoking volcano, Taal, on an island in its center. South Luzon boasts two other volcanoes, Bulusan and Mayon, the latter 8,900 feet high. This Luzon Vesuvius is next to Apo in Mindanao (over 10,000 feet in height), the highest mountain in the Philippines. (America boasts the highest mountain in the Pacific Ocean in Mauna Kea, on Hawaii, 13,805 feet high.) A funicular road to Mayon's crater may reasonably be expected. There are also sulphur springs to add to the attractions of Mayon. The tobacco-growing region of North Luzon, with its great river, the largest in Luzon, and its mountains and hills, has not yet been developed as to its sanatorium capabilities, but the whole region lies in the coolest latitudes attainable in the Philippines, the altitude of its mountains is considerable, its scenery is magnificent, and in connection with the development of Aparri, at the mouth of the Cagayan, into a city of great commercial importance from this location and as the nearest point in Luzon to San Francisco, to Honolulu, to Hong Kong, and to Japan, there will doubtless be found an abundance of convenient health resorts there to refresh the weary citizens.

The mountain region of Benguet, in North Luzon, lies at a general elevation of four thousand feet above the sea level, and has some peaks seven thousand feet high. It is said to be always cool and comfortable, with pure air and fine water. The Spanish planned to build a sanatorium there. In the winter season there is frost and sometimes snow and ice. In the warm season the average temperature is about sixty-five degrees

Fahrenheit, and in winter the mercury goes down to about freezing point. The province is also rich in mineral springs, carrying sulphur and iron especially. Tea and coffee, apples and other fruits of the temperate zone grow well there. Gold is found in the Benguet district. A mountain railway connecting by a short level line with Dagupan would enable one to reach Benguet from Manila in twelve hours.*

A steamer ride of fourteen miles up the Pasig River from Manila brings one to Laguna de Bay, the largest body of fresh water in the Philippines, twenty-five miles long by twenty-one miles broad. Its eastern shore line rises in mountains, and at one of its southern ports some famous hot springs issue.

When in Manila last winter I made the Pasig-Laguna de Bay-Hot Springs trip on a quartermaster's launch, which towed two heavily laden cascoes. It was on that day in January when our troops and gunboats made the second and final capture of Santa Cruz, the most important lake port. Strong resistance was expected, but our plan of attack leaked out (as nearly all have done in the past), and the insurgents abandoned the town just before our troops arrived, and not a hostile shot was fired in resistance. At Calamba, the terminus at that time of the run of the quartermaster's launch, where it lay over night before starting on the return trip, I saw our victorious gunboats, including the Laguna de Bay, which has done such effective work on the lake and elsewhere in operations against the Filipinos. I met also some of the officers engaged in the movement then in progress against the concentrated Filipino force in Cavite province south of Manila, one column of the aggressive Americans moving from Calamba. This trip, taken at that time, brought one in touch with the most important military operations then in progress in the Philippines, and in addition furnished two days of interesting experiences on the lake and in the Pasig.

A TRIP UP THE PASIG.

The so-called Pasig River is the short, narrow and swift outlet of the Laguna de Bay, by which its overflow reaches Manila Bay and the ocean. Near and at its mouth it separates the old walled city of Manila from Binondo, the modern business city. Starting from the custom

*Commissioners Wright and Worcester have made a thorough investigation and study of the Benguet region as a health resort and as an appendix to the commission's report of November 30, 1900, have published a most elaborate and interesting illustrated description of this province. Their report, the commission says, demonstrates conclusively that in the vicinity of the town of Baguio (in Benguet) there exists an extensive region admirably suited to serve as a health resort for these islands and for the neighboring China coast. "They found an extensive highland region, peopled by a friendly, harmless tribe; with pure, cool, invigorating air and abundant water; free from tropical vegetation; affording pasturage in plenty, and suited to the production of many of the fruits, vegetables and grains characteristic of the temperate zone."

A railroad line, fifty-five miles long, connecting Baguio with Dagupan and Manila has been surveyed and its construction is urged. Indicating the commission's interest in Benguet is the fact that the only highway put in course of construction under the commission's immediate direction is a road extending from Pozorubio to Baguio, and giving convenient access to the highlands of Benguet. This highway is being constructed in the most substantial manner, and will be useful both while the railroad is being built in expediting that work, and thereafter.

Benguet is the mountain resort to which Governor Taft, stricken with illness, has gone at this date (April, 1903), in order to recuperate. Not to be outdone by the civil government with its proposed hospital in Benguet, the army in the Philippines with the approval of the War Department, is to have its own sanatorium in the mountains near Mariveles, in the province of Bataan, at an elevation of about 3,000 feet. This province is across Manila bay to the westward from Manila. It pushes southward as a peninsula with the bay on one side and the ocean on the other. Between its southern point and Corregidor Island is one of the entrances from the ocean into Manila bay. This sanatorium site is much nearer to and more accessible from Manila than Benguet.

house landing, the view from the launch discloses on one side the gray walls and battlements of a middle-age stronghold, with convent roofs and upper stories rising even above the walls. On the other side is the abundant small shipping of Manila, including square-ended, pole-propelled cargo lighters and native dugout canoes, landing places, official buildings and business establishments. Near the water's edge in front of the walled city, at a point where it is pierced by a gate opening, stands a monument to Magellan, in the inclosure about which river-washed clothes are drying. Now the launch passes under the Bridge of Spain, an impressive structure of stone and iron, connecting old Manila and Binondo, always crowded, always interesting. From its mouth clear to the point where it issues from the lake the Pasig shows every minute on one side or the other some object of interest, some historic point or building, some characteristic scene, or some picturesque bit of scenery. Here one passes the spacious insane asylum buildings on an island in the river. Here one sees at the water's edge in the suburbs of Malacanan the summer palace of the Spanish governor general of the Philippines, now the residence of General Otis, which is accessible both from the river, over which it projects a balcony at its back, and by carriage at its front, through the tropical garden which surrounds it on three sides.

Through the development of modern conditions this noted building now finds itself in inconvenient proximity to a great brewery, which looks out upon the river and fills the air with smoke. Now we see the long ropewalk and the hospitals at Santa Mesa, in the vicinity where the first shot of the Filipino war was fired, and an officer on the launch points out the place where the first American was killed in the engagement which followed. Santa Ana comes into view, with the Spanish town on the right side of the river as we travel from ocean to lake, and on the other side picturesque collections of huts constitute the native town.

Santa Ana's old church shows conspicuously, as seen from the Pasig, and the town pushes large buildings and fine residences to the very edge of the river. Here native laundries are in full operation on stone steps descending to the river, and, wonderful to relate, men are assisting in the operation. If the male Filipino will do laundry work and the back-breaking labor of rice cultivation he should be found ready to work at anything. Here a treadmill, worked by boys, is in operation at the water's edge, serving the purpose of the Egyptian shaduf in raising water from the river with which to flood the rice fields. Now we see a carabao or water buffalo drawing the plow in a field on the bank. At this point a two-storied Filipino dwelling is being transported exclusively by human muscle to another location.

At San Pedro Macati we catch a glimpse of the old church, but the conspicuous sight is the old Spanish barracks, whose high stone walls project fortress-like to the very edge of the stream. The native huts along the bank are mainly of bamboo thatched with nipa palm, but are of all shapes and sizes, and some of them present a patchwork appearance, being of varied material, in which tin cans enter as a factor, as in the pauper settlement at the Hot Springs, Arkansas. The banana is the tropical tree most frequently seen. Many kilns are visible, used for making brick and native pottery, most of them shaped like a sugar loaf, one resembling a flume stretched along the hillside. Native canoes shoot past, in many cases filled with cans of cocoanut oil. Little bamboo landings project into the water from which the patient fisherman throws

his net hour after hour, satisfied with the catch of a few small fish as his day's work. Now we see the front of what appears to be a stone edifice on the bank leading at one side to a cavern cut from the solid rock. Numerous explanations of its existence were given, which represented it as everything from a Chinese temple to the whimsical work of a crazy Spanish princess.

Near the junction with the lake is Pasig village, which, like almost all of the towns along the river, is sadly battered by shot and shell. The pretentious houses on both sides of one whole street are in ruins. The Americans quickly seized control of the Pasig, retained it by hard fighting in which the gunboats did good work, and thus severed direct and easy communication between the insurgents north and south of Manila. The scenery beyond Pasig village is extremely interesting. The land and its inhabitants give way only gradually and reluctantly to the unbroken water of the lake. On both sides of the Pasig's channel is a vast area of marshy ground, covered completely by water in the rainy season, now cultivated by wading men aided by numerous carabao, which are here seen in herds that include many calves. Thousands of white birds, cranes and gulls, fill the air. At the lake mouth of the Pasig is Napindam village, whose people live in bamboo houses built on piles, and in long canoes, and who supervise the acres of elaborate fish traps through which the launch winds before reaching the open waters of the lake.

THE HOT SPRINGS OF LUZON.

Los Banos, the lake port, where the hot springs are found, is only a few miles from Calamba. In old times a fine Spanish sanatorium was situated here. The extensive buildings of this hospital resort still remain in part, and are used as officers' quarters and barracks by the company of American soldiers stationed here. The old church is utilized as a storehouse for commissary supplies. The native village consists of a single street lined with huts and little booths, which at the time of my visit did a brisk trade in bananas and oranges. There are numerous hot springs, some of them of great volume. Two or three issue near the edge of the lake, and the smoke rising from its surface at points near the shore shows that the hot water gushes out from the bottom of the lake and mingles with its waters.

Manila is thus wonderfully endowed by nature with easily accessible health resorts, situated on a beautiful bay with Corregidor at its mouth, having only a few miles eastward a large lake with hot springs equal to those in Arkansas at its edge, with mountains and hills and picturesque scenery in the immediate neighborhood in almost every direction, with a wonderfully interesting volcano, Taal, only forty-five miles away, and with the volcanoes Bulusan and Mayon, with its accompanying sulphur springs, to be rendered accessible by the future railroad of south Luzon.

Not only will Manila have an ample supply of health resorts, but nature has so favored it that it will not be a herculean task of sewerage, drainage, improved water supply and general cleansing to render the city itself attractive from its comparative healthfulness.

UNIQUE ATTRACTIONS OF MANILA.

Manila possesses some features of unique interest. It can show to the tourist a Spanish walled city of the middle ages, with moat and bastions, fort and dungeons, and with palaces, churches and residences of Spanish architecture and suggesting nothing else than a Spanish town.

There will not be seen anywhere a greater mixture of races than in Binondo, the cosmopolitan, modern, business section of Manila, where Asia, Europe, America, Africa and Australia come together. Tobacco factories furnish Asiatic rivals in interest to those of Seville and Habana. Native markets supply scenes of unique interest to the European or American. When "this cruel war is over" and a period of peaceful development follows the series of struggles which have cursed Luzon and checked progress in Manila, the fine gardens about the handsome residences of Manila, now in many cases neglected, will blossom and bloom in tropical luxuriance. A fraction of the intelligent care bestowed on its vegetation by Honolulu (which lies on the dry side of Oahu) will render Manila a tropical paradise.

Among the city's conspicuous needs are one or more carefully managed, clean and comfortable American hotels. A strong national bank, with American correspondents in the great cities of Asia, is as necessary to Manila as it is for the reaping of the full benefits by Americans of the vastly increased trade with Asia, which the United States is to enjoy.*

The bankers are the money-makers of Asia. We must create and use our own merchant marine and our own banking system in the competition for Asiatic trade. It must not be permitted that the American shall continue to find his gold dollar worth less in silver in the banks of Manila than in the banks of any other large Asiatic city.

Manila Bay is much too large for a safe harbor at certain seasons of the year. A perfected harbor improvement, such as that which has built up Colombo, is much to be desired.†

Botanical and culture gardens like those of Buitenzorg, Peradenya, Calcutta, Penang and Singapore are to be fostered in Manila, not only, as already pointed out, for a useful, practical, economic purpose in the highest development of the agricultural resources and capabilities of the

*The commission in its report of October 15, 1901, asks that Congress enact a general banking law for the islands, providing for the establishment of national banks in the Philippines, with branches in various parts of the islands, and in the United States, for the establishment of branches in the archipelago of national banks located in the United States and for the establishment of mortgage land banks. On December 31, 1901, President Roosevelt appointed the International Banking Corporation of New York as the fiscal agents of the United States in China and other points in the east. With the United States firmly planted in Asia and enjoying a growing commercial business in the orient it was recognized that an international bank owned and controlled by Americans should do the governmental and other business now falling to the banking concerns of other countries, especially England. The International Banking Corporation was chartered for the purpose of establishing a chain of American banks in the orient, with the immediate and particular purpose of handling the portion coming to the United States of the indemnity payments to be made by China.

See section 85 of act of July 1, 1902, in appendix.

†The Philippine commission has vigorously pushed the harbor improvement project, for which the Spanish government had prepared elaborate plans and specifications. The chief of engineers, after consultation with other experts, made some modifications of the original Spanish plans, retaining, however, their salient features. The necessary appropriation (not to exceed \$3,000,000) was pledged, bids secured, and the contract awarded to a construction company of New York for about \$2,150,000. The contractor was (October 15, 1901) engaged in collecting at Manila the necessary outfit for the vigorous prosecution of the work and intended to begin active operations within the next thirty days. The contract required that the dredging and stone work should begin not later than April 1, 1902, and be finished in three years. When completed Manila will have a commodious and thoroughly protected harbor with a depth of 30 feet. This will enable vessels of the largest size to anchor within the harbor and at all times to safely and rapidly discharge and take on cargo. The value of the improvement to the commerce of the islands can hardly be overestimated. In connection with the improvement of the harbor provision is also made for dredging and deepening the channel of the Pasig river so that vessels of 16 feet draft can safely enter. The scheme of harbor improvement involves the reclamation of about 150 acres of land, which can be sold or leased for a sum which will largely reimburse the government for its whole outlay.

island, but also as providing an attractive park and breathing place, both for resident and tourist visitor.*

The botanical gardens and the waterworks reservoir, beautiful as at Singapore, should add new drives to that provided along the water's edge outside the walled city by the famous Luneta.

Health of mind will receive attention, as well as health of body. Manila will share with all Luzon the benefits of a system of thorough public education. The efforts to establish a public library, initiated by public-spirited Mrs. Greenleaf, should reap deserved success, and the reading facilities provided for the soldiers through the Y. M. C. A. by the beneficence of Miss Helen Gould will serve a very useful purpose.

While increasing its churches, its schools and its public libraries, Manila can afford to reduce the number of its saloons, and to deprive those that are permitted to remain of some of the conspicuous and ostentatious proclamations of their presence, which last winter offended the ear and eye on the main street of Manila. Asiatic cities have the merit of forbidding vice to flaunt itself openly before the public. The shop where the national intoxicant is sold is as quiet and orderly as the shop for the sale of any other product. The brothels are isolated and regulated and hemmed about with restrictions to the last degree. Neither the intoxicated man nor the courtesan brushes against you in the streets or loudly proclaims presence in a public house. In visiting many cities in Asia during the last few months I saw no man boisterous from drink in public outside of Manila except one English soldier at the Peak in Hong Kong, who was promptly and unceremoniously hustled away out of sight by other soldiers, with apologies by them for his condition.

This matter, which has already received the earnest attention of the responsible officials, should be regulated by the government with a firm hand. It is not a reformatory movement which will clash with local public sentiment, like a campaign against cock fighting, for instance. Neither the Spaniard nor the Filipino has been in the habit of getting drunk in public.

Outside of the moral question, there is a consideration of national self-respect and international prestige. An essential of the proper relation between the American and the Filipino is that the latter shall respect the former and give him his confidence. Of so much importance was it considered by the Dutch that the Javanese should habitually look up to them that, we are told in Miss Scidmore's work on Java, the resident can order any planter or trader out of his domain who "does anything to compromise the superior standing or prestige of the white people." "The Dutch," she adds, "are severe upon this latter point, and the best of them uphold a certain noblesse oblige as imperative upon all who possess a white skin. The European military officer is sent to Holland for court-martial and punishment that the native soldiers may remain ignorant of his degradation, and the European who descends to drunkenness is hurried from native sight and warned."

I have personally seen very little of the public intoxication in Manila which has been described, and there may be, as is alleged, much of ex-

*The Manila botanical gardens have been improved and extended until their former condition under the Spanish rule has been approximated. Originally the park had many beautiful trees and plants and a fine collection of orchids, but nearly all of these were destroyed during the insurrection. Recently a deer park has been completed and stocked with native deer. A monkey cage and specimens of other animals have been added; and the park has become a popular resort with all classes.

aggeration in the accounts. It may be true that the obviously too numerous and too noisy saloons took the place of still more numerous booths where a native drink which crazes the foreigner (traffic in which is now prohibited) was sold. It is even barely possible that conditions on the Escolta were more discreditable in this respect under Spanish rule than under our own. A spectacle far worse is to be seen along the main street of many of our mining towns and in certain sections of any of our large cities. But the Escolta is the main show street of our representative city in Asia. It is compared not with the principal avenue of Poker Flat or with a slum street of New York, but with the main thoroughfare in each of the Asiatic commercial capitals. It should be put in condition to stand this comparison. The story of the Escolta's discreditable state has been told with exaggerations all over Asia, and the American everywhere is so assailed by disparaging question or comment on this point that he feels profoundly humiliated.

The American traveling in Asia is proud of our army in the Philippines and gratified at the high regard in which it is almost universally held for courage, dash and effectiveness.

Only a very small fraction of the army is intemperate, but a fraction of this fraction, when in disorderly and boisterous evidence in and about the saloons along the Escolta, gives undeservedly an ill-repute to the whole organization, which the temperate or self-restrained officers and soldiers indignantly resent.

Our army officers in charge of municipal affairs have already reduced the number of saloons under a license system and have otherwise improved the conditions complained of. This policy should be steadily pursued. An increase of the license may rid the city of additional saloons, and even more stringent restrictions may regulate in the direction of quiet and good order the conduct of the business; but in one way or another it should be rendered impossible for any rumrunner to fill his saloon, overflowing into the Escolta, with men boisterous from drink, who wear, or are entitled to wear, the uniform of the United States; and impossible for an American officer or soldier thus to discredit that uniform and all that it represents in the eyes of the Filipinos and of the world.*

Manila will grow in wealth, population and commercial importance, not merely in proportion to the development of the Philippines, but corresponding to the increase of American trade in the Pacific, and especially with China, for which it will naturally be the principal distributing point. With the opening of an isthmian canal under American control, with the laying of necessary American cables in the Pacific, with the creation of an American merchant marine, and with the sincere application of the principles of the merit system to our foreign consular and diplomatic service, and especially to the delicate task of governing the Philippines, the desired result of American supremacy in Pacific trade will be attained, and Manila will wrest the commercial scepter from the strongest and most prosperous of her competitors among Asiatic cities.

*Since February 1, 1900, there has been a steady and material reduction in the number of institutions which could be popularly classed as saloons. The commission has imposed many new restrictions on the sale of intoxicants, and since April 1, 1901, saloons have been forbidden on certain of the principal streets and plazas, including of course the Escolta. The commission says (November 30, 1900): "It is confidently anticipated that the increased charges imposed on the liquor traffic, the restrictions as to streets on which a liquor business may be conducted, and the wide discretionary powers given to the provost-marshal-general will materially reduce the number of places in the city at which intoxicants are sold."

CHAPTER XIII

HOW TO GOVERN

This is the Real Philippine Problem, Not Shall We Abandon—A Free Hand for Congress in the Interest of Wise Discriminating Laws for the Filipinos—Flexibility a Vital Need.

(June 23, 1900.)

Study of Javanese, Singhalese and other oriental precedents for useful hints in dealing with our Asiatic possessions assumes that the real Philippines problem is: "How shall we manage Philippine affairs to promote to the highest degree the welfare of both Filipinos and Americans?"

It treats as already conclusively answered the preliminary query: "Shall we hold or abandon the Philippines?"

Without considering at all the merits of the popular verdict, it assumes that the same public opinion which brought about the acquisition of the islands will assure their retention.

There is no apparent evidence of a change of mind on the part of the merchants, manufacturers, agriculturists and workingmen who are interested, directly or indirectly, in an expanded foreign commerce, in the retention and increase of our Chinese and Asiatic trade. These classes, covering and representing every section of the republic, continue to think on this subject as men would naturally do who find increasing prosperity in the transfer to Asia of the cotton of the south, the kerosene, the machinery and the countless minor products of the manufacturing east, the flour of the west and the timber and general supplies of the Pacific coast.

The trend of the influence of the churches, with their powerful missionary organizations, is still in the same direction. They appreciate that the victory of Manila Bay and the possession of the Philippines not only open up new missionary fields, but make every American missionary in all Asia more respected and safer in his person, and, as a consequence, more effective in his labors.

The aggressive, acquisitive spirit of the great west, fresh from frontier struggles, was enthusiastic for the war with Spain, and now seems equally vigorous for retention of the fruits of the war. This spirit meets with sympathetic response from the hot-blooded youth of the republic of every section, in the north and east and south no less than in the west.

PHILIPPINES TO BE RETAINED.

While commercial, missionary and war-spirit influences thus urge toward retention, there has been no change in our relations with foreign powers and in the greater evils of every alternative course, consideration of which at Paris caused even the anti-expansion representative on the peace commission to assent to the acquisition of the whole of the Philippines. There are the same threatened alternative results from present abandonment of the islands as from refusal then to take them, to wit, vengeful and cruel harrying of the Philippines by the Spanish Cuban army, anarchy for the Filipinos, transfer of the islands from Spain to Germany, international war, and final domination of the Philippines by some foreign power whose occupation would render worthless for com-

mercial and strategic purposes the Philippine stations reserved for our own use.

As if to render impossible abandonment of the islands, the bulk of those Americans who opposed their acquisition and retention have curiously enough adopted and are now urging a construction of the Constitution which, if sustained by the Supreme Court, would make the Philippines an integral part of the United States for all purposes and prevent absolutely their secession or separation therefrom, even with the consent of Congress. If Congress may not constitutionally treat the Philippines as not included within the words "United States" when uniformity of duties is the issue, it may not suffer them to be distinguished from the "United States" for the purpose of setting up in them an independent government under Aguinaldo. No one will contend that the powers of Congress, express or implied, include that of consenting to the secession of an integral part of the United States, and unless under coercion of superior force to any diminution of the Union. Thus it results that those who argue the most vigorously that the Philippines ought to be separated from the United States are at the same time urging that they are constitutionally inseparable.

When the opponents of the acquisition of the islands are apparently convinced that the Constitution forbids their abandonment the vote for retention might perhaps be made unanimous.

THE REAL PHILIPPINES PROBLEM.

Assuming that the Philippines are to be held and to be governed in the manner most promotive of Filipino and American welfare, it is in order to determine what relation of the islands to the republic will best serve this beneficent purpose.

The lessons of Java and Ceylon are practically lost if they do not teach the necessity of flexibility in the legal systems to be applied to the various parts of the archipelago. Different tariffs, different labor regulations, different general laws, different degrees of self-government must prevail in the various sections of the Philippines, and all must differ, if the welfare of the natives is to be promoted, from those which exist in the United States. Neither the Tagalog nor the Moro can today, with comfort to himself, be forced into the American mold.

To permit this adaptability of methods in accordance with the conditions confronted in each case it is desirable that Congress should have as free a legislative hand as possible, not in order that we of the United States may gratify our tyrannical instincts by placing a despotic heel upon the neck of Asiatic millions, but in order that the most valued rights and privileges, the ingrained sentiments and traditions, of these millions may be to the limit of national safety respected and protected.

American protection and guardianship of the Filipinos should be as a light, strong, flexible, easily fitting coat of mail, and not as a uniform, unyielding, cramping strait-jacket.

NOT OUTSIDE OF THE CONSTITUTION.

It is unnecessary to take the position that "the Constitution does not extend to the Philippines" in order to secure for them the considerate and discriminating treatment which is advocated. The Constitution, as the organic law of the United States, creates Congress, make it the governing body of the Philippines, and fixes the status of the archipelago as "territory belonging to the United States" and among places "subject

to their jurisdiction." The Philippines are not outside of the Constitution, but are recognized by that document and take the niche in the governmental structure assigned to them by it.

To say that certain constitutional limitations upon the power of Congress are not intended to apply to it in legislating for the territories is not to place the latter outside of the Constitution. Congress may be thrown thereby for some purposes outside of certain constitutional restraints. But the Constitution gives to Congress, as the legislature of the territories, express power to make all needful rules and regulations concerning them. If no one of the constitutional limitations upon the power of Congress is held to apply to it in this capacity, it will not then cut loose from the Constitution, since it will, in legislating for the territories, be fulfilling a function intrusted to it without restriction by the Constitution itself.

STATUS OF TERRITORIES.

The vital question affecting the Philippines is: In what cases is "territory belonging to the United States" to be construed as included within the words "United States" as they appear in different sections of the Constitution?

Upon the answer to this question depends the degree of freedom with which Congress may legislate discriminatingly for the welfare of the Philippines.

In its relation to the states Congress has only the powers of legislation specified and necessarily implied in the Constitution; in its relation to "the territory belonging to the United States" it has all the powers conceivable in the legislature of a republic, limited only by the express or implied qualifications of the Constitution. The fewer the number of these applicable limitations the broader the scope of the powers of Congress in respect to the Philippines.

In the thirteenth amendment the Constitution clearly distinguishes between the United States and places "subject to their jurisdiction," said places being unmistakably the territory belonging to the United States. When the Constitution says that slavery shall not "exist within the United States or any place subject to their jurisdiction" it asserts by implication that there are places subject to the jurisdiction of the United States which are not within the United States. Otherwise the words "or any place subject to their jurisdiction" become mere surplusage. Evidently the Constitution does not agree with the speakers and writers who view the status of those thus subject to the jurisdiction of the United States, but not within it, as one of virtual slavery, for it recognizes this status in the very words which abolish and forever forbid slavery and involuntary servitude.

The Philippines, as territory belonging to the United States, are part of the United States in the geographical and popular sense, and Congress, in legislating for them, will doubtless be bound by those constitutional prohibitions and affirmations which state republican principles of legislation and which constitute the individual American's bill of rights. Either the courts would declare that these provisions of the Constitution were intended to apply to the Filipinos as the inhabitants of territory belonging to the United States or Congress would, in any event, feel constrained to legislate in accordance with the spirit of these privilege-guaranteeing declarations.

It does not appear that injury to the Filipinos is to be apprehended

from the extension to them of the American bill of rights, whether this is accomplished directly, through the constitutional provisions, or by congressional enactment.*

OUTSIDE OF THE UNION OF STATES.

But while the Philippines are part of the United States popularly and geographically, they are not a part of the United States as the term is most frequently employed in the Constitution, which is made up exclusively of the united States, and is the governing entity, the Union.

For instance, when the Constitution says that the day for choosing presidential electors shall be the same "throughout the United States" it evidently does not include non-voting territory like the Philippines within the meaning of "United States."

Are the Philippines included within "the United States" when the Constitution provides that all duties shall be uniform "throughout the United States"? Does "the United States" mean the same thing in the two sections of the Constitution, or is the term of varying dimensions, contracting to exclude the Philippines in one case and expanding to include them in the other?

What is the area of the United States mentioned in the fourteenth amendment, which declares that "all persons born or naturalized in the United States * * * are citizens of the United States"?

These questions can, of course, be answered finally only by the Supreme Court of the United States in the light of modern facts and conditions and the war amendments to the Constitution.

I do not intend to discuss the constitutional question or to attempt to forecast the Supreme Court's decision upon it; but if the welfare of the parties in interest, both Filipinos and Americans, is to be considered in the matter, the United States will not be held to include the Philippines either for the purpose of uniformity in duties or for conferring upon the Filipinos indiscriminately national citizenship.†

UNIFORMITY PROVISION DISASTROUS FOR FILIPINOS.

In the discussion of this matter the dangers to American industries and interests have been thoroughly considered, but not enough attention has been paid to the injury with which the Filipinos are threatened.

To extend the Dingley law to the islands would, to cite, for example, a single important item, increase the duty on rice (the Filipino's bread) a thousand per cent over the Spanish rate. It would work disaster, discontent and probable riots in the northern and central Philippines and certain bloodshed in Moroland, whose people, unaccustomed to taxation, were worked up almost to the point of revolt by our attempt to collect the comparatively light duties exacted by the Spanish law in Luzon and the Visayan Islands.

Under the treaty ceding Louisiana at the beginning of the century and under the first congressional legislation concerning Hawaii at the

*The Supreme Court has indicated that most of these constitutional provisions apply (see chapter XIX), and Congress has in addition made them applicable by direct enactment (see act of July 1, 1902, in appendix.)

†In subsequent chapters of this volume (Chapters XVIII and XIX) the decisions of the United States Supreme Court in the insular tariff cases (May and December, 1901), are analyzed, and the fact is developed that the court's answer to the constitutional question submitted to it is precisely that which, as above indicated, will most promote the welfare of both Filipinos and Americans. The court decides that the United States does not include the Philippines either for the purpose of uniformity in duties or for conferring upon the Filipinos indiscriminately national citizenship.

century's end the duties to be paid in these possessions were not uniform with those exacted in the United States. If the uniformity provision of the Constitution did not apply to this territory of the United States from the moment of annexation, it does not apply to the Philippines. If Congress could specifically authorize the collection of Hawaiian duties in Hawaii instead of the rates imposed by the Dingley law and could continue these non-uniform rates until it was ready in its wisdom to extend the American tariff with an organized territorial government to these islands, then the same course may constitutionally be pursued in respect to the Philippines; and for this considerate treatment petitioning Filipinos should ever pray.

Full national citizenship would be a burden upon the mass of Filipinos, and conferring it would tend to deteriorate and discredit that citizenship. Our experience with the negro question in the South ought to warn us against going too fast in this kind of expansion. The southern negro was enfranchised by the Constitution, and later was deprived of his rights by force and fraud, apparently the whole republic consenting. The nation, every state and all Americans are profoundly humiliated when the facts enable a southern senator to boast at the Capitol that the people of his section are deliberately disregarding and nullifying certain sections of the Constitution, and when the north and west tacitly acquiesce in this subversion, apparently confessing by their failure to enforce against the offenders the constitutional penalty of reduced representation in the House that their own original action had been premature and unwise, beneficial to nobody, not even to the negro himself.

In handling this branch of the Philippine problem we should treat national citizenship as a precious thing, not to be lightly conferred, not to be imposed where it would become an unbearable burden. The injunction not to cast pearls before swine not only warns the pearl owner against wasteful extravagance, but recognizes that swine are not for their own welfare to be fed on pearls.

The policy of the expansionists requires that the Philippines be treated as territory belonging to the United States, and not as in every respect and under all conditions an integral part of the Union, in order that through their possession without injury to the republic our Asiatic trade may be vastly developed, and our hold upon the Pacific, the great ocean of the commercial future, may be strengthened and confirmed.

The policy of the anti-expansionists also demands continuous treatment of the islands as territory subject to the disposal of Congress, in order that there may be left the possibility, after full examination and discussion, of cutting the tie which binds the Philippines to the United States on the ground that it is injurious to both peoples.

The interest and welfare of the Filipinos themselves demand this treatment, in order that there may be a considerate flexibility in the government and laws applied to them, which would be impossible if the islands were subjected to the constitutional limitation concerning uniformity of duties and the other restrictive provisions applicable to the states of the Union.

CHAPTER XIV

UNITED STATES KINDERGARTEN

Territorial Pupils in Primary Class of Republicanism—Uncle Sam a Chronic, Cruel Despot, Who Has Long Bought Men Like Cattle and Ruled Them as Serfs—Consent of the Governed.

June 25, 1900.

The Philippines enter at the foot of Uncle Sam's primary class in republicanism and self-government. At the head of the class stand organized territories, like New Mexico; in the middle are Hawaii, the District of Columbia, Alaska and Porto Rico. They are all in the same class, because the ultimate government of them lies in a body outside of themselves, in which they are not represented and in whose acts they do not participate. A territorial delegate, unrecognized by the Constitution and voteless, is not a part of Congress, does not constitute representation in Congress, and is merely a petitioning agent of the territory, with the privileges of the floor of the National Legislature.

The actual status of the territory in its relation to the Union does not turn upon the possession or non-possession of a delegate, or of any privilege granted by a legislature in which it is not represented. If any territory is in slavery, all are slaves, notwithstanding variations in the number and weight of their respective shackles.

It is an honor to be entered in the republic's school, even in the primary class and at its foot. No one who understands what the Filipinos have gained in escaping to Uncle Sam's premises from Spanish monastic rule, from the bloody dictatorship of Aguinaldo, from anarchy or from the threatened blood-and-iron domination of a European military despotism, has any tears to shed over the alleged unhappy lot of the people of the Philippines.

To be a territorial citizen of the United States is to enjoy a dignity less only than that of being a state citizen or a national citizen of the United States.

Injustice to Uncle Sam and deception of this newcomer to his own injury are involved in the efforts which have been made to foster discontent in the republic's latest pupil and to convince him that he is the victim of outrageously unfair treatment. He is taunted with entering the national kindergarten under compulsion, and with being humiliated and degraded among his associates by this neglect to secure his consent.

In establishing the jurisdiction of Congress over the Philippines as territory belonging to the United States the same "consent of the governed" will have been obtained from the Filipinos as was secured from the inhabitants of the land contained in the Louisiana purchase, of Florida when annexed, of the territory conquered and purchased from Mexico, of Alaska, and from the Indians who were the first occupants of the original thirteen states. The same consent to government by Congress which the District of Columbia and Alaska now give will be given by the Filipinos. In all of these cases the benefits of the proposed government are held to be so obvious that the consent of the governed is assumed.

Forcible resistance contradicting this assumption is immaterial. Nevertheless and notwithstanding, and in accordance with the precedents, the consent of the rebellious Tagalogs to government by the

United States will be presumed, as was that of the people of the south after the civil war, and that of the rebelling Mexicans in California and New Mexico after our acquisition of that territory.

It appears that all the members of Uncle Sam's primary class were entered therein without their consent, and that there is at least nothing peculiar or discriminating in the course pursued toward the Philippines.

Let us see how the treatment proposed for the Philippine newcomer will compare with that to which some of the old pupils have been subjected in the severe discipline of the republic's school. Let us discover how much agonized sympathy is reasonably to be lavished upon the Filipinos as the victims of a sudden and startling development of despotic cruelty in Uncle Sam.

If to acquire territory by purchase or conquest without consulting the inhabitants as to their wishes, and then to govern it arbitrarily without their consent, make of the republic a despot, overthrow the Constitution, cast republican principles to the dogs and threaten national chaos and ruin, then Uncle Sam is a hardened offender in this class of political crime, and the Constitution has been outraged and the country ruined as often in the national history as the opportunity has been afforded.

Our first acquisition was that of Louisiana. Of the circumstances of its entrance into Uncle Sam's kindergarten the historian (Henry Adams) has this to say:

Within three years of his inauguration Jefferson bought a foreign colony without its consent and against its will, annexed it to the United States by an act which he said made blank paper of the Constitution; and then he who had found his predecessors too monarchical and the Constitution too liberal in its powers * * * made himself monarch of the new territory and wielded over it against its protests the powers of its old kings.

The republicans and federalists, the political parties of that day, disputed over the relation of Louisiana to the republic and over the power of Congress in respect to the acquired territory, but they agreed in placing very few limits upon Uncle Sam's despotic tendencies.

The federalists (says Adams) maintained that the central government, representing the states in Union, might, if it pleased, as a consequence of its inherent sovereignty, hold the rest of America in its possession and govern it as England governed Jamaica or as Spain was governing Louisiana, but without the consent of the states could not admit such new territory into the Union. The republicans seemed rather inclined to think that new territory acquired by war or conquest would become at once a part of the general territory mentioned in the Constitution, and as such might be admitted by Congress as a state, or otherwise disposed of as the general welfare might require, but that in either case neither the people nor the states had anything to do with the matter. At bottom both doctrines were equally fatal to the old status of the Union. In one case the states formed or to be formed east of the Mississippi had established a government which could hold the rest of the world in despotic control, and which bought a foreign people as it might buy cattle to rule over them as their owner; in the other case the government was equally powerful, and might also admit the purchased or conquered territory into the Union as states.

By an act of sovereignty as despotic as the corresponding acts of France and Spain Jefferson and his party had annexed to the Union a foreign people and a vast territory, which profoundly altered the relations of the states and the character of their nationality. By similar acts they governed both.

DESPOTIC RULE OF LOUISIANA.

A bill for the temporary government of Louisiana, emanating from the executive, was introduced and passed.

It was a startling bill (says Thomas H. Benton), continuing the existing Spanish government; putting the President in the place of the King of Spain; putting all the territorial officers in the place of the king's officers, and placing the appointment of all these officers in the President alone without reference to the Senate. Nothing could be more incompatible with our Constitution than such a government—a mere emanation of Spanish despotism, in which all powers, civil and military, legislative, executive and judicial, were in the Intendant-general, representing the king; and where the people, far from possessing political rights, were punishable arbitrarily for presuming to meddle with political subjects.

Federalists objected that the bill was unconstitutional. Republicans replied that Congress had a power in the territories which could not be exercised in the states, and that the limitations of power found in the Constitution are applicable to states and not to territories.

Later, by act of Congress, Louisiana was divided at the thirty-third parallel. The country north of that line was subjected to the government of Indiana territory. For the southern section the bill created a territorial government, in which the people of Louisiana were to have no share. The governor and secretary were to be appointed by the President for three years; the legislative council consisted of thirteen members, to be appointed by the President without consulting the Senate. Senator Adams, during the debate on the bill, offered a resolution to the effect that no constitutional power existed to tax the people of Louisiana without their consent, and carried but three votes with him in support of the principle. Representative Campbell said of the bill:

"It really establishes a complete despotism; it does not evince a single trait of liberty; it does not confer one single right to which they are entitled under the treaty; it does not extend to them the benefits of the federal Constitution or declare when hereafter they shall receive them."

Louisiana (says Henry Adams) received a government in which the people who had been solemnly promised all the rights of American citizens were set apart not as citizens, but as subjects.

At that time the American republic, to which the flag meant freedom, contained only 830,000 square miles; the American monarchy of Louisiana, to which "the flag meant despotism," contained 1,200,000 square miles. Will the republic of today, with its 3,603,844 square miles, extending from ocean to ocean, be overcome and hurled to destruction by a monarchic annex on the order of Louisiana, containing only 114,000 square miles and on the other side of the world?

OTHER VICTIMS OF AMERICAN OPPRESSION.

New Mexico began to be governed by the United States without the consent of its people, who had enjoyed and had never abjured the rights, privileges and immunities of citizens of the republic of Mexico; a revolt by the Mexican George Washington-Aguinaldo was crushed mercilessly by the grinding oppressors, the American despots who struck down New Mexican liberties; military government and government by Congress, through the machinery of an organized territory, have in succession ruled this people, and after the lapse of over fifty years they are still excluded from participation in the national councils, and are still outside the Union, so far as national elections and government are concerned.

The District of Columbia has for a hundred years been governed without its consent, taxed without representation, subjected to the jurisdiction of a body in whose counsels it has never participated. Direct taxes are collected from the District, but no representatives are allotted to it, though the Constitution expressly couples the two things. When the words "throughout the United States" are employed in the Constitution, they have been held to include the District when uniformity of duties is prescribed, and to exclude the District when the time of national elections is fixed. The District has been pronounced a state under a treaty with France, a construction conferring privileges on aliens, but not a state under the Constitution, whose people can sue in the federal courts. It is thus treated as a part of the Union of states when burdens are to be imposed, and not a part of the Union when privileges are to be conferred. Technically the political status of the people of the District of Columbia is the most deplorable and their unhappy political lot is theo-

retically the most heartrending of any recorded in so-called republican annals. Our grief over imaginary political woes may well begin at home if it begins at all.

GRINDING TYRANNY IN ALASKA.

Alaska's entrance into the republic's primary class exhibits some notable similarities to that of the Philippines. As the first non-contiguous acquisition of the United States, it set the precedent for our annexations in Asia. Though it covered, according to varying estimates, anywhere from 500,000 to 800,000 square miles, it resembled the Philippines in offering "little or no prospect of ever becoming fit for admission to the Union on an equal footing with the States." Its main value was supposed to be in its fisheries, and commercial and broad international considerations urged its annexation.

Undoubtedly our tropical territory and its people will have good reason to complain if they are not treated as liberally and considerately as our frigid territory and its people. How, then, have Alaska and the Alaskans fared?

The treaty of cession provided that—

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years, but if they should prefer to remain in the ceded territory they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may from time to time adopt in regard to aboriginal tribes of that country.

Thus Russians who remained in Alaska were promised citizenship in the United States. No such promises were made to the natives. And the Constitution does not seem of its own force to have conferred such citizenship upon anybody immediately upon treaty ratification.

In the case of the Philippines nobody was promised American citizenship by the treaty. The civil rights and political status of the natives are to be determined by Congress. Why should the Constitution bind Congress more tightly in dealing with the Filipinos than with the Alaskans? Why should our uncivilized tribes near the equator be transformed by the Constitution instantly upon treaty ratification into national citizens of the United States when treaty ratification had no such effect upon our uncivilized tribes near the pole?

If one born since annexation among the uncivilized native tribes of Alaska is not under the Constitution a citizen of the United States, why must one born among the uncivilized native tribes of the Philippines since annexation be necessarily such a citizen? If we may constitutionally classify the natives of Alaska with our Indian tribes in their relation to citizenship, may we not treat the natives of the Philippines after the same analogy?

From the time of the transfer (says A. P. Swineford, ex-governor of the territory, in his book on Alaska) the newly acquired territory was looked upon and treated by the President and Congress as an Indian country, and the rule of General Davis and succeeding military commanders was little, if any, less than absolute. * * * There was no semblance of civil law in all the territory which was not subservient to the military authority. * * * The period of seventeen years following the transfer, with rare intervals, was one of gloom and ignominy. The people long resident, who hailed with joy the transfer as a deliverance from half a century of oppression bordering on degradation, and who were eager to declare their allegiance to the government which by solemn treaty stipulation had guaranteed to them "all the rights, privileges and immunities of citizens of the United States," were treated more as conquered foes than as friends delivered from a long period of bondage. * * *

The ill-treatment accorded the Russian people decided a very large majority of them to avail themselves of that clause of the treaty which provided for their return to

Russia within a period of three years, and the year following the transfer their exodus began and was continued until all but a mere fraction of the whole number had availed themselves of the free transportation provided by the imperial government. They preferred to take their chances under an absolute despotism to the blessings of a free government as exemplified in their brief experience of United States military rule in Alaska.

Petitions for a civil government were very soon sent to Washington. Twice delegates to Congress were informally elected, but seats in that body were denied them.

Military garrisons were established immediately after the transfer at Wrangell, St. Paul and Kenai, but the last two were withdrawn in 1870. Those at Sitka and Wrangell were retained until 1877, when they, too, were withdrawn, and for nearly two years the people were left not only without any form of government, but without any protection whatever. * * * Believing that a withdrawal of the troops meant the abandonment of Alaska by the government, the natives became arrogant and domineering, and during the whole of February, 1878, the white people of Sitka were constantly under arms and on guard, fearful of a surprise and attack, in which the lives of all would be sacrificed. * * * It was not till 1884, seventeen years after transfer, that Alaska was accorded even the semblance of civil government. In that year Congress passed a bill entitled "An act to create a civil government for the district of Alaska," which was approved by the President May 17. And such an act was never before conceived in the brain of statesman, whether of high or low degree.

* * * After the lapse of seventeen years, during the whole of which time the white residents of Alaska lived in a condition either of absolute civil anarchy or military absolutism, their prayers for relief were answered by the enactment of an organic law in which all the more important and valued rights, privileges and immunities of American citizenship are expressly and positively denied them. * * * It sets up an anomalous form of civil government; assigns laws that are wholly inapplicable, and devolves upon the officers it creates duties that are impossible of performance; a government without the machinery necessary to its operation; a form without the substance. It has but served to prolong in a lesser degree the cruel injustice of which these people were for seventeen years the helpless victims, in that it is a governmental denial to them of those rights, advantages and immunities of citizens of the United States, guaranteed to them by solemn treaty. * * * Even at this late date (1898) the people of that hitherto unappreciated, long-neglected territorial acquisition are without voice in any legislative body by which the defects in their anomalous "civil government" can be remedied, and are practically without any provision of law whereby they may secure titles to their homes.

Even the legislation of 1900 (thirty-three years after the transfer) fails to give them a territorial delegate.

The precedent of Alaska would justify the retention of the Philippines under military government for seventeen years, and under a form of civil government that is a sham for sixteen years more. But no one believes that Uncle Sam will be as inconsiderate of the people in his tropical territory as he has been of the inhabitants of his frigid possessions.

EXCESS OF KINDNESS FOR NEWCOMERS.

The prompt granting to Hawaii and Porto Rico of such considerate measures of civil government without retaining them for indefinite periods under military domination, when compared with the treatment to which Alaska and Louisiana have been subjected, suggests that Uncle Sam is kind to excess to the latest acquisitions to his family, and gives pleasing promise to the Philippines of what is in store for them.

Outside of the imposition of slight temporary duties on Porto Rican products (which action seems impolitic because it is irritating and prematurely strife-breeding, without being necessary to protect any vital interest either of the Union or Porto Rico) the policy pursued toward Hawaii and Porto Rico has been extraordinarily considerate, and beneficial in the highest degree.

If any member of Uncle Sam's kindergarten may reasonably grumble, it is not the new pupil who has the good fortune to enter at a time when the authorities have adopted a coddling policy and hazing is strictly prohibited, but the old members who have for many years been contemptuously neglected by the authorities and bullied and abused by the upper classes.

In the case of both Alaska and the Philippines the republic's undertaking is to furnish a government for the territory without participation by the people therein until the time when the population shall become fitted in numbers and character to take part in the government. If that time never arrives, then the territory will continue indefinitely without direct participation in the government of the republic. When Alaska was annexed there was no more reason than in the case of the Philippines to expect that it would ever acquire sufficient population of the kind entitled to representation in Congress to enable states of the Union to be carved from it. The objects sought in the annexation were national; the local interest and the Alaskan's rights under the Constitution were not at all considered.

If the Constitution was not smashed into fragments by the annexation of non-contiguous Alaska without the consent of the Alaskans, and by American government of Alaska without participation therein of the Alaskans, then the Constitution is uninjured by a similar annexation of the non-consenting Philippines and their government by the United States without Filipino participation.

There are more Filipinos than Alaskans, but the constitutional question cannot turn on the numbers of persons involved. The Constitution is as badly shattered in principle by the purchase and governing without their consent of a hundred Alaskans as of a thousand Filipinos.

The people of the temperate zones cannot live and labor to advantage either near the pole or under the equator. For sound national reasons, distinct from the desire to form new states of the Union, we have annexed a large slice (580,000 square miles) of the arctic regions, with the white and red men who inhabit it, and now a small slice (114,000 square miles) of the tropics, peopled by yellow and black men. We will hold and govern both, not for the present, at least, as in every respect and for all purposes an integral part of the union of states, but on American principles, in the manner best adapted to their conditions, and promoting to the fullest extent the welfare of their inhabitants and of the republic as a whole.

GRADUATING FROM THE PRIMARY CLASS.

Though there is not the slightest promise of immediate action in the direction of so wise and equitable a policy, the District of Columbia, with increase of its permanent resident population, may some day, without necessarily losing its status as national territory governed directly by Congress, be permitted to enjoy the privilege of participation in the national councils as a quasi-state. The discovery of gold in Alaska and the rush of population toward it give some slight promise of similar privileges, in time, to that region, which would have appeared impossible and preposterous if suggested concerning it when it was purchased. The Philippines seem hopeless now as the seat of future states. I do not believe that the islands will ever be states of the Union. But in the light of the prospect of the happening of the impossible in Alaska, who will venture to predict with confidence on the subject?

But if the Philippines never graduate from the primary class in self-government during the existence of the republic, and the archipelago is left in time as the sole member thereof through the promotion of its classmates, it will nevertheless have been during the entire period of tutelage far better governed, more prosperous, more peaceful, more content and more free than under any alternative form of government which is among the reasonable possibilities of its future.

CHAPTER XV

CHINA'S OPEN DOOR

Possession of the Philippines May Prevent Its Closing, and Thus Promote Asiatic Trade—American and Filipino Welfare Coincide and Are Promoted Together—Grounds of Annexation.

June 27, 1900.

Senator Hoar, in his notable speech concerning the annexation of the Philippines, contends that every American acquisition of land in the past, even though not authorized by the Constitution, has been made with a distinct constitutional purpose, as to establish a seat of government, to provide the sites of forts and arsenals, or to furnish land for the creation of new states; that this purpose alone justified the acquisition, and that such condoning purpose is absent in the case of the Philippines, which, he alleges, have been acquired merely that we may govern them as colonies and rule their population as subjects. "In every acquisition of territory we ever made," he says, "we meant to make states of it."

Was the creation of new states the main idea even in our first annexation, that of Louisiana? Did not Jefferson in making it have more distinctly in mind the importance of control of the mouth of the Mississippi and of free navigation over that stream for safeguarding the commercial and military interests of the republic as it then stood than any national necessity of securing ground for new states? Jefferson asked from Napoleon only a harbor at the mouth of the Mississippi as a place of deposit for exports and imports and unobstructed transit over its waters. He wished to secure an assured outlet for our trans-Allegheny settlements, whose natural course to the sea was by the Ohio and Mississippi and not across the mountains and forests to the thin line of settlements along the Atlantic coast. Jefferson at Paris in 1803 sought from France a single harbor, just as McKinley at Paris in 1898 would perhaps have been best pleased to secure from Spain a single Asiatic island. The opportunity and necessity to take all or none were presented in both cases, and the farseeing statesmanship of the two Presidents promptly solved their respective problems in the same way.

NAPOLÉON FORCES LOUISIANA PURCHASE.

Napoleon is quoted as saying to his ministers, on the subject of the American proposals concerning Louisiana:

They ask of me only one town in Louisiana; but I already consider the colony as entirely lost. It is not only New Orleans that I cede; it is the whole colony, without reserve.

In pursuance of instructions from Napoleon, Talleyrand asked Livingston (the American minister) whether we wished to have the whole of Louisiana. Livingston reported:

I told him no; that our wishes extended only to New Orleans and the Floridas. He said that if they gave New Orleans the rest would be of little value, and that he would wish to know "what we would give for the whole."

Livingston then and later in the negotiations persisted that "we would be perfectly satisfied with New Orleans and the Floridas, and had no disposition to extend across the river (the Mississippi)." Livingston.

writing to Madison of the proposal and of the price asked for Louisiana, said:

I persuade myself that the whole sum may be raised by the sale of the territory west of the Mississippi, with the right of sovereignty, to some power in Europe whose vicinity we should not fear.

Jefferson had sent Monroe to Paris as special envoy to purchase only New Orleans and west Florida. Napoleon might have adopted, says Henry Adams, the simple measure of selling only the island of New Orleans and retaining the west bank, which Jefferson was ready to guarantee. This was the American plan; and the President offered for New Orleans alone about half the price he paid for all Louisiana. Still Napoleon forced the west bank on Livingston.

Jefferson, in defending his purchase, of course dwelt upon its future availability as the material of new states, and the carving of states from it was agreed upon in the treaty of cession; but it is very evident that the American policy did not contemplate its annexation primarily for that purpose. Livingston was ready to buy and sell again to some unaggressive foreign power, and expressions in Jefferson's writings of this date and later show that he thought the territory already belonging to the United States between the Alleghenies and the Mississippi, far from needing enlargement to meet the demand for new states, would not itself be peopled for centuries to come. The original Union of 830,000 square miles, inhabited by a slender chain of settlements along the Atlantic coast and isolated colonies across the Alleghenies, had more than doubled itself by acquiring the 1,200,000 square miles of the Louisiana purchase.

The territory wrung by war from feeble Mexico was undoubtedly annexed for the specific purpose of creating new states—American slave states from Mexican free soil. The intent indicated by Senator Hoar as the only constitutional and justifiable purpose of American annexation was conspicuous in this case, but whether that acquisition was thereby rendered nationally creditable and a model for American imitation in the future may be doubted.

WHY ALASKA WAS ANNEXED.

In the case of Alaska, our latest acquisition prior to those which have come to us since the war with Spain, was not the primary purpose of its annexation to gain fisheries and to give America undisputed control of the North American border of the Pacific, whose future importance in the world's trade Seward perceived with prophetic vision? Was the collection of sufficient population for a state on the narrow mountainous strip of south Alaska or among the glaciers and icebergs of north Alaska ever seriously considered at the time of the annexation?

The treaty of cession of Alaska differs from all that preceded it among transfers of territory to the United States in omitting to pledge the republic to incorporate the ceded territory in due season into the Union as a state or states.

Representative Banks was the principal champion in the House of the measure appropriating \$7,200,000 to carry into effect the Alaskan treaty, and he spoke long and eloquently on the subject.

It appears from his speech that in the case of Alaska, as in that of Louisiana and the Philippines, we took more than we originally sought in order to get something which we felt that we really needed and which could not be otherwise obtained.

In 1834 the American treaty right of fishery in Russian Pacific waters terminated. Our government made repeated efforts to secure its renewal, but in vain. Finally, Russia offered, not the right of fishery, but the right of purchase, and in order to secure the fisheries we bought Alaska.

After a pointed reference to our national obligations to Russia for her effective friendship during our civil war, Mr. Banks inquires :

Having sought from her for twenty-five years the fisheries of the northwest coast, and having received from her not only the incident of the fisheries, but the substance of the territorial possession incident to the fisheries, shall we do what never before has been done—refuse to execute the treaty she has made at our solicitation with our own government?

TO CONTROL THE PACIFIC AND ASIATIC TRADE.

Commercial and political reasons are also indicated as justifying the annexation of this territory, arising from its commanding position upon the Pacific.

That ocean will be the theater of the triumphs of civilization in the future. It is there that the institutions of this world will be fashioned and its destinies decided. * * * The possession of Alaska is the key of this ocean. * * * It brings this continent within 70 or 80 miles of the Asiatic coast on the north. * * * By the possession of Alaska on the north, with the Aleutian Islands in the center, and with amicable relations of commerce and trade with the government of the Sandwich Islands, we have in our grasp the control of the Pacific ocean, and may make this great theater of action for the future whatever we may choose it shall be. But it is indispensable that we shall possess these islands, this intermediate communication between the two continents, this drawbridge between America and Asia, these stepping stones across the Pacific ocean. If we give them to another government, if we subject the Pacific ocean to the control of Europe and European civilization, the power of the future is theirs, not ours, and its progress is after their spirit and ideas and not ours.

Mr. Banks quotes from a speech of Henry Winter Davis, made in 1852, which points out the disadvantages to us of the possession of Alaska by Russia, not only threatening our Pacific coast from the military point of view, but menacing our trade with China.

TO PROTECT OUR CHINESE TRADE.

From her Asiatic possessions, from the Kurile and the Aleutian Islands, she overlooks the natural and necessary course of our Asiatic trade—now, by the occupation of California, grown to stupendous magnitude and soon destined to equal that of the Atlantic states. Her naval stations can command effectually the whole intercourse of California and Oregon with the chief seats of Chinese commerce, and render our communications insecure at any moment. * * * How that control (of Russia over China) would bear on our commerce with that empire in the events which have been indicated it takes no prophet to foretell. We should be excluded from those markets, or subjected to burdens which would strip off the profits, impede the activity, and finally destroy our Chinese trade, or we should be forced to maintain our position against Russian armies on the spot, across the track of Russian navies, and at an expense and sacrifice which the most lucrative returns would scarcely compensate.

To gain control of the Pacific, the scene of the future triumphs of civilization! To Americanize this great ocean! To secure "stepping-stones" across it to Asia! To protect our Asiatic trade! To prevent the closing against us of the markets of China!

These are reasons assigned for the annexation of non-contiguous Alaska. They may be repeated without the change of a word among the purposes of the acquisition of the Philippines.

Clearly Senator Hoar's list of national purposes justifying expansion is incomplete. Is it true that no intent to promote the national welfare can be discovered to place the acquisition of the Philippines upon the same footing as other annexations? Must this expansion be distinguished from all others as caused solely by our lust of land and the unholy desire to enslave politically our fellow-man?

* PROMOTION OF TRADE JUSTIFIES ACQUISITION OF TERRITORY.

It may be conceded that the United States would not acquire the Philippines (any more than it annexed Alaska) merely for the purpose of governing them as colonies and their population as subjects; that such acquisition would be neither constitutional nor sensible. But it does not follow that annexation of the Philippines (any more than was that of Alaska) is for this indefensible purpose, merely because it is not clear that the acquisition will in the near future or ever furnish the material for new states.

Promotion of the trade of the republic by opening to it and keeping open for its benefit the markets of Asia and of the tropical world is to be added to Senator Hoar's list of national purposes which justify territorial expansion. We shall need some such ground of justification in respect to the land to be acquired and the national responsibilities to be incurred in connection with the building and control of the isthmian canal.

The acquisition neither of this limited area adjacent to the proposed canal nor of the vast stretches of Alaska or the Philippines is to be justified on the ground that they are on the footing of forts and arsenals, or the site of the seat of government, or the raw material of new states. The same factor in the advancement of the national welfare which Alaska supplied and which justified its annexation will vindicate also against the charge of unconstitutionality the acquisition both of a canal strip of Central America and of the Philippines.

NATIONAL WELFARE TO BE ADVANCED.

The United States will develop these tropical islands in such fashion as to give itself the full benefit of close and profitable trade relations with a considerable area in a productive portion of the tropics, to increase its trade with all those parts of Asia to which the door may continue to be open, and to strengthen the outposts and strategic points, commercial or naval, which are to make the republic the first power in the Pacific.

The habitable lands of the temperate zones are almost all occupied or pre-empted. They no longer furnish an outlet for surplus energy. The nations of continental Europe, believing that there must be national growth to preserve undiminished national power, and shut out to a large extent from the temperate zones, are occupying the tropics and dividing the torrid zone into possessions and protectorates and spheres of influence, from which it is threatened to cut off American trade.

The exchange of products and goods between the temperate and torrid zones is one of the most notable factors in modern commerce. Benjamin Kidd, in his "Control of the Tropics," shows that over one-third of the entire imports of the United States in 1895 came from the tropics, calling by that name the area between thirty degrees north and thirty degrees south latitude. These tropical imports aggregated \$250,000,000, our exports to the tropics, \$96,000,000.

WILL ENLARGE PACIFIC TRADE.

The Pacific trade, including the commerce with the tropics conducted over its surface and that with China north and south, is to be the great commercial prize of the future. With our long line of Pacific seacoast furnishing many good harbors, with the Hawaiian Islands, Guam and

the Philippines in our possession, with the isthmian canal completed, with our merchant marine built up, and with our consular service reorganized and improved, we shall enter confidently upon the competition for this vast trade. Our Pacific commerce is increasing by leaps and bounds, and if not checked will amount in the near future to hundreds of millions. Even now all sections of the republic participate in it, the machinery and kerosene of the east, the cotton of the south and the flour of the west being the most important items. With the completion of the isthmian canal the south and east will share with the Pacific coast direct and quick water communication with the area of the vastest trading operations of the future.

If the policy of partitioning the tropics among European powers shall finally prevail, the Philippines will in themselves furnish the United States with an extensive area within the torrid zone and under its control through which, in connection with tropical America, there may be carried on that exchange of products between the torrid and temperate zones which constitutes so large a part of modern commerce.

Control of the trade of the Philippines will enable us to use it, if desirable, as a means of bargain with other nations which control the commerce of other sections of Asia, with the possible result that reciprocal freedom of trade or open-door arrangements may be instituted in respect to them all.

WILL PREVENT CLOSING OF THE OPEN DOOR.

The Philippines not only hold out promise of vast direct commerce, like that which Netherlands-India has furnished to Holland, but in connection with the Hawaiian Islands, Guam, Tutuila, Alaska and the Aleutian Islands they place the republic in such relations of proximity and intimate touch with Asia, and in such a commanding position from the naval and military standpoint, that its rights as a Pacific power, commercial or otherwise, are sure to be respected.

With England and Japan, the United States desires open ports in Asia. It stands with them against the dismemberment of China and for equality of trade.

Every diplomatic and consular officer of the United States in Asia, every individual American there, whether merchant, missionary or concession seeker, is more respected and safer in his rights as a result of the possession of the Philippines and of the events which led up to it. Even the powers of Europe recognize our increased prestige in Asiatic affairs, and comply, as they would not have dreamed of doing two years ago, with our request for pledges of scrupulous observance of the treaty rights of the United States in the sections of China leased to foreign powers.

The weak and corrupt central government of China is pushed and pulled this way and that by the representatives of the European powers at Peking, and has little control over the vast population and immense areas of the Celestial empire. There is no spirit of nationality or patriotic loyalty permeating the people. North and south China provinces speak different dialects, and hate one another cordially and to the murder point. The Chinese detest the Tartar soldiers of the Manchu government at Peking, and the sentiment is reciprocated.

The beginnings of a wonderful American trade with this people have been made. They are fast learning, for instance, to use our flour and our cotton goods. Southern cotton and western wheat, after passing through American mills, find here entrance to an unlimited market.

Existing conditions in China make eternal vigilance and decisive action the price of trade retention. Our merchants, no less than our missionaries, need ready and prompt protection, and against the maneuvers of foreign powers at Peking no less than against the rioting secret societies, rendered doubly dangerous by the weakness and personal apprehensions of the Chinese governing clique.

In China, even in commercial affairs and in trade concessions, the physical power to hold what has been granted or won by untiring and intelligent energy is essential to its retention, and the people of the impotent nation in the clash of conflicting interests inevitably go to the wall.

Through possession of the Philippines the United States has now a trading emporium, an army and a navy at the very door of China. In combination of land and naval forces quickly available we are today not lower than the third power in Asia; and when American lives are threatened or attacked by Boxers, or any other Asiatics, and when our commercial holdings in Asia are menaced from any quarter, the value of Manila as a safeguard of American interests is and will be demonstrated more and more convincingly.

Occupancy of the Philippines increases our chances of retaining our present trade in China and of vastly enlarging it, and tends to prevent the closing of the open Chinese door in European spheres of influence, the forcible annexation of the previously leased sections, and the inevitably resulting dismemberment of the Chinese empire, accompanied by international war.

Thus the Philippines are a valuable asset for the purpose of tropical commerce in themselves, with their vast area of rich and productive acres; they are a serviceable asset for bargaining for reciprocal open doors with other powers in the orient, and they are an important factor in the fight for the vast trade of the Asiatic continent, since by means of them Uncle Sam plants a heavy foot across the threshold of the open door in China, and will perhaps prevent it from being closed.

FILIPINO WELFARE TO BE PROMOTED.

In developing the Philippines the United States will so treat the people who live in the islands as to make of them the most effective factor in this insular development, and to that end will maintain there a government under which they shall be prosperous and contented, in which they shall as far as possible participate, and which shall meet their reasonable aspirations by fully protecting them in life, liberty and pursuit of happiness.

The government of the Philippines by Americans will be successful in proportion to the extent to which brainy, honest and tactful men are selected to represent the republic in the islands, and in proportion to the extent to which the reasonable hopes and wishes of the people are met and satisfied.

If little or no attention is paid to the development of the Filipinos, in exploiting the Philippines; if they are not to be carefully led, through education and experience, toward local self-government on American lines; if the main results of the possession of the Philippines is to create a batch of lucrative offices to be distributed under the spoils system to clamorous political strikers or used-up politicians, who need to be provided with means of support at the public expense; and especially if the

appointments of the kind likely to be made under this system approach their difficult and delicate task with no appreciation of the national importance of their work, and inspired mainly by the impulse to get out of their office all there is in it financially, then the Philippines chapter in the republic's history will chronicle a failure, a scandal, a disgrace, staining the American administration and destructive of the Filipino.

An especial importance attaches to the treatment of the Hawaiians and the Porto Ricans by the republic on account of the object lesson thereby furnished to the Philippines and to Cuba. Whatever can be safely done to demonstrate the value of the privilege of living on territory belonging to the United States should be done, with the purpose and result of causing the Filipinos to appreciate the advantage of this connection, and with the result, if not the purpose, of causing the Cubans to desire annexation, an end which will not be brought about in their case in the absence of this desire. If the Porto Ricans do not fare distinctly better in trade relations with the republic than the West Indies islands which do not belong to the United States, and whose relations are regulated by reciprocity agreements, Cuba will be eager and impatient to exercise her privilege of severing the bond which temporarily attaches her to the United States. If the republic in dealing with the Porto Ricans, as well as the Hawaiians, faithfully fulfills every agreement, express or implied, made to them, and shows itself in every way considerate, just and liberal, the confidence of the Filipinos will be the more quickly gained, appreciation of the advantages of the American connection will be confirmed and strengthened, and the genuine peace in the islands, which is absolutely necessary for their present well-being and future development, may be the more speedily established and rendered permanent.

AMERICAN AND FILIPINO INTERESTS COINCIDE.

The philanthropy which makes the welfare of the people of the islands the primary purpose of the government and the test of its success is also enlightened selfishness, for the development of the islands into a valuable national asset in our commercial and business relations with the world can be accomplished under the limitations as to methods now imposed by wholesome public opinion only through a development and improvement which apply to people as well as to soil, and which bring prosperity to both.

Let the republic, then, prepare itself for the task of so administering the affairs of these islands that their people shall be well governed and as far as possible self-governed, thrifty, prosperous and content, and that at the same time this American section of the tropics may be so developed as to contribute most effectively to the national welfare.

The first page of the record of America as a Pacific power is as yet unwritten and unblotted. We can write upon it what we please.

THE PHILIPPINES

IN THE

PRESIDENTIAL CAMPAIGN OF 1900

CHAPTER XVI

TRUE ANTI-IMPERIALISM

Antagonistic to Both Great Political Parties—Curious Phases of the Presidential Campaign—Political Platform Duplicity—Genuine Anti-Imperialists Not Caught in the Kansas City Net—The Art of Political Humbuggery.

(August 10, 1900.)

Those political philosophers who in all sincerity oppose "imperialism" and "militarism" on principle, and who push forward unflinchingly wherever their convictions lead them, are not by any means certain to halt and rest content upon the Kansas City platform.

There is no hesitation concerning his course on the part of the man who has already unalterably determined to abandon his republican connection in revenge for some disappointment or supposed slight and under the impulse of the mercenary motive of securing a new and more liberal employer of his voice or pen, and who seeks only a plausible pretext for his desertion. Nor is there any tendency to deliberate or to doubt on the part of the man, who, having deserted his democratic connection in 1896 because he viewed the 16 to 1 silver dollar as dishonest, has now decided that he cannot longer afford to resist the party's command to "compromise with dishonor," and who seeks to return to the free coinage camp unobserved in the disguising costume of a liberty cap and the mantle of anti-imperialism.

These men know themselves, as the Greek philosopher advised: consequently they know exactly what they want, and they make for it with the unerring precision of Hosea Biglow's politician, who declares:

"It ain't by princerples nor men
My preudent course is steadied;
I scent which pays the best, and then
Go into it bald-headed."

But there are anti-imperialists who have not assumed that role hypocritically for the purpose of revenue or revenge; who oppose without discrimination every tendency toward expansion by force and government without the consent of the governed; who denounce every insular acquisition by the nation in the belief that the republic's strength is in its compactness and homogeneity; and who resist any and every policy which involves the possibility of the creation of a large standing army or a powerful navy, and the fostering of the war spirit among the people of the republic.

Republicans have ridiculed these men as little Americans; democrats, on the other hand, have coddled them, and have sounded a blast of trumpets and other wind instruments against so-called imperialism in the opening notes of the Kansas City declaration.

But careful analysis of the acts, principles and policies of the opposing parties causes the uncompromising anti-imperialist, who follows his

logic to its inevitable end, to reject them both. The conclusion of his reason on this subject is reinforced by sentiment, for he resents both the scorn of the republicans and what seems to him to be a palpable attempt of the democrats to humbug him for partisan purposes.

His platform, roughly outlined, would take the following shape :

ANTI-IMPERIALIST PLATFORM.

1. We reaffirm and indorse Magna Charta, the Declaration of Independence, the Sixth and Eighth Commandments, the Sermon on the Mount, the Historic Protest of Philip, King of the Pokanokets, the Seminoles' Reply and the Proclamations of Emilio Aguinaldo.

2. We denounce and deplore the land greed, born of the spirit of imperialism, which has taken concrete shape in the annexation of Hawaii, Porto Rico and the Philippines, and we reaffirm the vigorous denunciations by statesmen now dead of the unconstitutional and imperialistic acquisition and government of Louisiana; of Florida, with the preceding and accompanying despotic outrages upon the natives and the Spaniards; of the land wrung by a hateful war of conquest from helpless Mexico, and of non-contiguous Alaska.

3. We demand abandonment by the United States of Hawaii, the Philippines, Porto Rico and unsettled and imperially ruled Alaska and independence for their people.

4. We denounce the republican party for its bold, unblushing, systematic and defiant imperialism and militarism in annexing and forcibly and despotically ruling Alaska; in going to war with Spain; in annexing Hawaii; in making and voting to ratify the treaty of Paris; in annexing and governing Porto Rico and the Philippines and in sending troops to the Asiatic islands to crush under the iron heel of military despotism the Filipino patriots; and we demand the immediate cessation of the American war of criminal aggression in the Philippines.

5. We denounce the democratic party for annexing Louisiana without the consent of its inhabitants and for governing that vast territory (larger than the annexing republic itself) as an empire on the principles of absolute despotism, without the consent of the governed and outside of the Constitution; for waging an unholy war of conquest against Mexico; for "pushing President McKinley into the war with Spain," according to its own boastful confession; and for working through its recognized leader, W. J. Bryan, for the ratification of the treaty of Paris, well knowing the infamous criminality of that instrument, thus deliberately endangering the stability of the republic, with no excuse save the low, unworthy purpose of securing a supposed partisan advantage.

6. We denounce militarism, with its instruments of tyranny, a standing army and a navy, and its baleful influence upon the youth of the republic in developing land hunger and blood thirst. We demand that the United States withdraw within itself; as soon as practicable disband its army and destroy or convert to peaceful uses its navy, those fruitful breeders of strife. We approve the spirit of Jefferson's recommendation in 1802 that the United States navy be stored in a dry dock at Washington for safety and economy and destruction by the elements. We denounce any extension of the United States into non-contiguous territory in either hemisphere, for the reason that it may lead to quarrels with our neighbors and bloodshed. We protest against any act or omission which by any possibility may lead to war, except in self-defense. For this reason we denounce the Kansas City convention's indirect pledge to intervene between Great Britain and the Boers, Great Britain having already refused our offer of mediation and indicated that it would fight to the last Englishman against intervention. We should mind our own business, not burden ourselves with responsibility by encouraging further bloodshed in South Africa, and not declaim ourselves into a useless and hateful war with our kin across the sea.

7. For the same reason we further and especially denounce the democratic party (which poses as the exponent of anti-imperialism and anti-militarism) for the treacherous stab given under the cloak of hypocritical friendliness to our cause by the Kansas City platform in that it proposes for the Philippines a protectorate, that cunning device of despotic government to cloak imperialism, instead of granting them the full independence to which they are entitled; and in that it virtually declares a protectorate by the United States over the whole of Central and South America and unmistakably proposes to extend the strife-provoking Monroe doctrine to Asia, thus aiming blows at the foundations of the peaceful constitutional republic under which the whole fabric threatens to totter to its fall.

We denounce government by protectorate as un-American and unconstitutional, never contemplated in their wildest dreams by the forefathers; as historically the preliminary process in the operation by which a monarchical power absorbs an independent principality, corresponding to the boa's preparatory saliva treatment of its victim before swallowing; as a strife-breeding, war-provoking arrangement, involving the United States in entangling foreign alliances or rather in the entanglement of foreign quarrels without the assistance of allies; as burdening the republic with heavy responsibilities and at the same time denying the power and the control necessary to meet them; as fostering the military and meddlesome spirit among American youth; as inflaming the imperialistic greed for land through foreign acquisitions and for gold through foreign trade; as rendering essential a large army and navy to the injury of the peaceful taxpayers, and as developing a spirit of rampant militarism and pointing straight to the overthrow of the republic.

8. We denounce the democratic proposition to delay indefinitely independence for the Filipinos, on the pretext of first establishing there a stable government imposed upon them by us without their consent.

We denounce the method of construing the Constitution proposed by the demo-

cratic party, which would make of the Philippines instant an integral part of the Union and thus prevent forever their separation or secession from the United States and their enjoyment of an independent government.

We declare that the government of our foreign acquisitions would be safer under the republican program of treatment as "territory belonging to the United States" (a status recognized by the Constitution) to be governed under limitations stated in the Constitution and construed and precisely determined by the Supreme Court, than under the democratic program of an imperial, war-provoking, unconstitutional protectorate, or under "a stable government" forcibly imposed by us on the Philippines as an integral part of the United States.

But we declare that both parties are worthy only of our condemnation. Instead of suggesting and upholding any special form of government for the Philippines, whether a protectorate or otherwise, we demand that the United States immediately grant them full independence, leaving them free to determine for themselves the form of government most pleasing to them.

JUGGLING THE MONEY AND IMPERIALISM PLANKS.

The gold democrats and the sound money men in general, including Americans of German descent, among the anti-imperialists are especially indignant at the bare-faced attempt to humbug them in the juggling of the money and imperialism planks of the Kansas City platform.

To the free silver men of the populist and silver republican parties the platform says:

Notwithstanding determined assaults of eastern gold bugs, the minions of Wall street, bond owners, bankers, ice trust representatives, monopolists and greedy capitalists, our peerless leader, W. J. Bryan, held the party to a reiteration of the pledge for free coinage at 16 to 1 in the very words of the declaration of 1896. It was impossible to make the statement more emphatic, and the struggle which preceded it only rendered more conspicuous and binding the free-coinage pledge, which on this occasion was given, not in a moment of eloquence-excited enthusiasm, but in cold blood, after calculating and protracted deliberation.

To the anti-free coinage men, gold democrats and sound money anti-imperialists the platform is made to declare:

Silver is no longer the issue. The mention of 16 to 1 is perfunctory and incidental. You will hear no more of it in the campaign or afterward. Anti-imperialism is the paramount, in fact the only issue, as you will perceive from our presidential candidate's speech of acceptance.

The same contradictory, vote-catching declarations as to the effects of free coinage may also be expected in 1900 as in 1896. To the silver owner in the Rockies, directly and specifically, and indirectly to frightened creditors everywhere it was and will be proclaimed: "Independent free coinage at 16 to 1 will double the market price of silver over all the world and enrich the bullion owner without cheating any one else!" To farmers and to debtors it was and will be declared: "Free coinage will not double the world price of silver, but by substituting for the gold dollar a depreciated and depreciating silver dollar it will raise prices for the benefit of the farmer and by cheapening money it will render easier the payment of debts." On the one hand an impossibility is suggested to deceive and conciliate the honest; on the other hand, the truth is proclaimed in a shape to tempt the dishonest.

The inconsistencies of the double-faced policy of the Kansas City platform are appreciated most keenly by the republican who takes no more stock in "anti-imperialism" than in cheap and dishonest money. To him the platform seems to say:

I reiterate my fixed, unalterable determination to stab the public credit, to destroy the national repute for honesty by legalizing a dishonest dollar; I announce this murderous intent in the precise words employed by me in 1896, when this design was declared paramount.

But to assassinate national credit is not my main purpose today; I plan also to destroy the nation's foreign trade, present and prospective, and to strike down the republic's prestige abroad.

And since in stating my paramount murderous intent of 1900 I use sixteen words to one employed concerning my criminal design of 1896, now reaffirmed, let no one heed the latter threat.

Since I put first my plan, verbosely expressed, to assassinate national prestige, let no one be alarmed at my curt, brusque declaration of intent to murder the national credit, which quickly follows.

Concerning my free silver threat all I ask of my political opponents is to be let alone. I did not utter this menace with the intent to make it an issue. I will not permit it to be made an issue to my own inconvenience by those whom it unnecessarily alarms. I refuse to discuss it. I decline to accept responsibility for it. It is to be treated as if it had not been said.

INSINCERE IN ONE; INSINCERE IN ALL.

The sound money anti-imperialist, thus assured that the free silver declaration of the platform is meaningless, may be excused if he suspects a lack of definite meaning in the anti-imperialism plank also, and this suspicion is confirmed by the contradictory constructions put upon it by democrats themselves.

By the anti-imperialist the platform is understood to say:

The republic is menaced. Anti-imperialism is the paramount issue. We declare for the independence of the Filipinos, and no more of a protectorate than we now give to Patagonia or Peru, which, as everybody knows, is no protectorate at all. In substance, therefore, we propose to cut loose from the Asiatic islands and to return to the time-honored traditions and policies of the United States of America.

By the expansionist the platform is understood to say:

Our first proposal is that there shall be a stable government in the Philippines. Until that is established we do not propose independence for the Filipinos and abandonment of the islands. In fact, we do not propose abandonment at all. For if, after a century or so, stable self-government is established among the barbarous Igorrotes, the refractory Tagalogs and the blood-thirsty Mahometan Moros, the independence to be granted them is to be modified by our protectorate, which will take care of every substantial American interest.

The latter doctrine is preached in more than one southern state by the newspapers, and in Tennessee by Chief Justice Snodgrass, who is a democratic candidate for the United States Senate.

The sound money anti-imperialists (especially the German-Americans) look with additional suspicion on the democratic declamations about anti-expansion, imperialism and consent of the governed, when they have analyzed the make-up of the party. The solid south is perceived to be the soul and most of the body of Bryanism. It furnishes the bulk of his support, and will not fail to control a democratic administration if one is elected. The German-American does not neglect to note that the south, which has traditionally upheld honest coin as against the dishonest greenback, nominally reversed itself in order to catch votes in 1896 by siding with the dishonest silver dollar against the honest gold dollar. He perceives the same section of the republic, the cotton-producing area, which will enjoy the largest prosperity and the greatest increase of influence from our foreign acquisitions and expansion of Asiatic trade, nominally declaring itself for contraction of territory and trade in order to catch votes in 1900. But can confidence be placed in the sincerity of a fulmination so diametrically opposed to the section's material interests? When fulfillment time arrives will not a voter caught by this declaration find that he has been the victim of false pretenses?

The sincere anti-imperialist who really takes to heart the declaration concerning the consent of the governed and attempts to apply it literally and universally also listens with suspicion to outbursts of indignation against a government by force of arms over dark-skinned persons in Luzon from men who, as Red Shirts, govern through force, without their consent, dark-skinned citizens of the United States. In the first case the force is applied in pursuance of our Constitution and laws by an organized and disciplined army, restoring order in obedience to the direction of their constitutional commander-in-chief. In the other case men whom the Constitution makes citizens and attempts to protect as voters are ground down by the rule of force, applied not by the national army or

state militia, but lawlessly by a murderous mob. Is not government by force exercised with less disastrous results by our Boys in Blue abroad than by the Red Shirts at home? May those who disregard the consent of the governed, violate constitutional amendments and substitute the methods of imperialism for those of the republic at home, be expected to uphold with sincerity the sanctity of the Constitution and of the declaration concerning the consent of the governed abroad?

Will the Malay Filipino fare better at their hands than the North Carolina negro, whom the Constitution takes specifically under its protection, but whose consent or dissent in matters of government is not to be expressed except at peril of his life? Which organization represents more truly the rule of force that constitutes tyranny and imperialism, that fosters the empire and menaces the republic—the Red Shirts, intimidating, murdering and disfranchising the North Carolina negroes, or our army in the Philippines, seeking to restore order and protecting peaceful Filipinos against the robber bands?

The pillars sustaining the Kansas City platform are the Solid South and Tammany Hall. The Red Shirts are indignant that the Filipinos' consent to be governed has not been obtained, and they uphold the Constitution manfully—in Luzon. Tammany Hall vigorously denounces official corruption—in Havana.

ANNOTATED KANSAS CITY PLATFORM.

The anti-imperialism declarations of the Kansas City platform, if parenthetically annotated, point out so clearly and forcibly the dangers to the republic involved in Red Shirt assaults upon the Constitution and the Declaration of Independence that their ringing words may well be thoughtfully considered.

Any government not based upon the consent of the governed (like that imposed by force and fraud upon the negroes of the south) is a tyranny, and to impose upon any people a government of force (like that imposed by the Red Shirts upon the negroes of North Carolina) is to substitute the methods of imperialism for those of a republic.

The Constitution (including the war amendments) follows the flag (and extends to North Carolina and other negro-vote-suppressing states), and no executive (national or state) or Congress (or any state legislature) deriving their existence and their powers from the Constitution can exercise lawful authority beyond it, or in violation of it (or of the thirteenth, fourteenth, fifteenth or any of its amendments).

No nation can long endure half republic and half empire (in part of its area venerating the Constitution and obeying it in every detail, and in another part openly and shamelessly violating and overthrowing portions of the Constitution by force and fraud). Imperialism abroad will lead quickly and inevitably to despotism at home (and the tyranny of Red Shirt imperialism at home will lead quickly and inevitably to the establishment of American Imperial protectorates abroad, and to the corruption and destruction of the spirit of republicanism both at home and abroad). Our most cherished institutions are in great peril. The very existence of our constitutional republic is at stake. The decision now to be rendered will determine whether or not our children are to enjoy those blessed privileges of free government which have made the United States great, prosperous and honored. The burning issue of imperialism (growing out of the forcible overthrow of the Constitution in one section of the Union) involves the very existence of the republic and the destruction of our free institutions.

The German-Americans, who are impressed by warnings against the evils and dangers of a large standing army and by praise of the National Guard as a substitute therefor, remember that the Chicago platform, reaffirmed at Kansas City, in its free-riot clauses caters to those who savagely denounced the American militia also; and they note that the combined effect of these attacks upon both army and militia and of practical mob rule in certain southern states is to point not to anti-militarism, but to free riot, anarchy and the complete triumph of the forces of disorder.

The German-Americans are reasonably opposed to a large standing army and to the system of conscription and heavy taxes which such an

army involves. But they are also great traders, conspicuous in all mercantile enterprises here as in Germany, and they favor any expansion which tends to build up foreign trade, provided the accompanying danger of militarism is reduced to a minimum. Of course, there is no standing army in existence, or proposed for the United States, which furnishes the slightest reasonable ground of apprehension on this score. The republic which after the civil war absorbed into civilian pursuits without the slightest jar or hitch and without the slightest perceptible danger of the supremacy of militarism eight hundred thousand soldiers, hardened in the military mold by years of desperate struggle, has nothing to fear from the army, insignificant in numbers and largely enrolled to meet an emergency from civilian volunteers, which has developed from the war with Spain. The German-American, shaken in his belief in the sincerity of the anti-imperialism declarations of the Kansas City platform, is the more ready to accept the republican claim that the G. O. P. is the true exponent of practical anti-imperialism.

TRUE REPUBLICAN ANTI-IMPERIALISM.

Summarizing its anti-imperialism achievements, the republican party may be imagined as saying:

I freed nearly four million slaves; I prevented the creation of a southern empire and saved to republicanism and from imperialism the southern states; I expelled French imperialism from Mexico; I effected the withdrawal of Russian imperialism from Alaska; I ejected Spanish colonial imperialism from both hemispheres; I substituted a republic for the imperialism of a corrupt monarchy in Hawaii; I freed the Cubans from a most oppressive and destructive form of imperialism, and will quickly enable them to enjoy in lieu thereof self-government, republicanism in form; I freed Porto Ricans from Spain's despotic imperialism, and have sent them rejoicing far along the path which leads to American self-government; I relieved the Filipinos from the grinding, unbearable imperialism of oppressive, cruel Spain, and would long ago have blessed them with good and stable government in accordance with American precedents, but for the present hateful and unnatural warfare precipitated under a misunderstanding of the American intention by the Filipinos themselves.

The true anti-imperialistic policy of government is not that which sets up a protectorate over our Asiatic islands, binding the republic without constitutional authority to guard against foreign attack Aguinaldo's dictatorship, a despotism buttressed by assassination, whose first independent, unrestrained act would be to murder the European friars and confiscate their alleged property, and to kill the hated Chinese. Genuine anti-imperialism demands that the republic, having struck off the chains of Spanish oppression from the Philippines, shall govern them as part of the territory belonging to the United States (a status recognized by the Constitution), through Congress (a body created by the Constitution), exercising powers defined by the Constitution, and construed by the Supreme Court of the United States. Anti-imperialism consists in giving to the Filipinos, rescued from Spanish despotic rule, as full a measure of American rights, including the privilege of local self-government, as is consistent with national and territorial welfare and as is permissible in accordance with the Supreme Court's construction of the Constitution. Anti-imperialism consists in the exercise of the same powers by Congress in relation to the Asiatic and insular territory of the United States, saved from imperialism, as were exercised in dealing with Louisiana in the beginnings of national growth, and in dealing with Alaska, our latest acquisition prior to those which came to us during and after the war with Spain. Modern anti-imperialism is even more considerate of the interests of the territory belonging to the United States than that which prevailed in the earlier days. Hawaii and Porto Rico have been favored and pushed toward American self-government far more rapidly than Louisiana and Alaska. The latter waited thirty-three years and until 1900 before it reached the stage attained by Porto Rico in the very first legislation concerning that island, and Alaska is not today so far advanced as the organized territory of Hawaii.

I am for sound money and practical anti-imperialism; for anti-imperialism at home and abroad, in North Carolina as well as in Luzon. I oppose silver free coinage at 16 to 1 as an act of fraudulent bankruptcy, dishonoring the nation. I oppose government by force through Red Shirts at home, and imperialistic government by American protectorates abroad. I oppose contraction of American trade and territory by cowardly abandonment under fire of any of our acquisitions from Spain. My motto is: "Prosperity at home; prestige abroad!" as opposed to "Panics at home, and a perilous pusillanimity abroad!"

PLATFORM HUMBUGGERY PERSONIFIED.

The various humbugging, vote-inviting inconsistencies which have been noted as developing in and under the Kansas City platform give to that document, as variously construed and practically applied, the aspect

of groveling in the dust to beg for votes, and of submitting even to the humiliation of confessing insincerity and disregard of veracity if only its mendicancy may be successful. To such an extent, indeed, does this spirit permeate and characterize the document that, without any severe strain upon the imagination, the platform, personified, may be conceived as saying to American voters:

If you are offended at anything I assert, don't believe it. I can say without either undue vanity or mock modesty that I have built up a notorious reputation which entitles me to make this request for incredulity with full confidence that it will be readily granted.

You will remember that I made free trade the paramount issue in 1892 and won upon it, but the prophecies of evil based upon my success were not fulfilled, for I did not redeem my pledges. I adopted the Wilson tariff bill, which, you will remember, was denounced by my own people as protective in principle.

In 1896 I made free silver at 16 to 1 the paramount issue to please the populists and silver republicans. Of course, being unsuccessful, I cannot demonstrate that I was no more in earnest about free coinage than about free trade. It is significant, however, that with the conditions unchanged from 1896, except that the republicans have identified themselves more completely than ever with the gold standard, I consider the money question as no longer paramount. I treat it as subordinate and incidental, and outside of the perfunctory verbal reiteration of it, I am disposed to shelve it as not an issue at all.

If by directly contradicting the money plank of the republican platform I have inadvertently made silver free coinage the one technical, legal issue of the campaign, I am inclined, rather than have words over the matter, to yield and confess judgment on that issue.

So in respect to anti-imperialism, about which I have so much to say as the paramount issue today, no expansionist needs to be alarmed. You will notice that I do not propose to abandon any of our acquisitions; that I hint at this course only in the case of the Philippines, and that even in respect to these islands I announce as the first step the provision of a stable government. I do not say that I would take any other course to establish this stable government than that followed by the republican administration. Who can say how long it will take me to establish this stable government? Who can say that long before this stable government is established to my satisfaction the Filipinos themselves will not wish to remain annexed?

A number of statesmen and newspapers support the Kansas City platform in the light of this reading and construction of it. Why may not any expansionist do the same? The solid south, my strongest backer, produces the cotton which is the most conspicuous factor in our wonderfully increasing Asiatic trade. The material interests of the south demand expansion, and the merest glance at conditions in North Carolina and Louisiana, as sample states, will indicate how much solicitous care will be taken in the Philippines to secure the uncoerced consent of the dark-skinned governed.

The independence which is suggested by me for the Filipinos is sandwiched between a preface of stable government and the postscript of a protectorate. It is to be delayed indefinitely during the unlimited period of establishing a stable government, and modified indefinitely, if it ever arrives, by a sovereignty-dividing protectorate.

The foreign policy declared by me is viewed by some of you as pusillanimous, but I call on you to note that as the supporter of an advanced Monroe doctrine in this hemisphere which declares the republic's imperial jurisdiction over the Three Americas and throws down the gauntlet of defiance to the outside world, I go farther than the farthest, for I announce that (1) the United States has exercised and is now exercising a protectorate over the republics of Central and South America, and (2) that this protectorate is of the same order as that which the United States would exercise over territory once belonging to it to which it might grant domestic self-government. There is not much peace-loving pusillanimity in a policy which thus irritates the sensitive and jealous Spanish South Americans, and slaps the whole world in the face. Nor is there any pusillanimity in my suggestion of a war with England over the inalienable right of the Boers to govern the outlanders without the latter's consent.

All sorts and conditions of political opinion may gather comfortably on my declarations—free coinage and anti-free coinage voters; silver republicans and gold democrats; populists and conservative anti-populist democrats; contractionist anti-imperialists and trade and territorial expansionists; imperialists who favor a protectorate and the manifest destinarians of the advanced Monroe doctrine.

To any class of voters whatsoever who are inclined to cast their ballots against me because they credit what I assert or seem to assert on any subject I can only say: "Believe me, I am not to be believed."

Hosea Biglow has well stated my political creed:

"In short, I firmly du believe
In humbug generally.
Fer it's a thing thet I perceive
To hev a solid vally;
This heth my faithful shepherd ben,
In pasturs sweet heth led me,
An' this'll keep the people green
To feed ez they hev fed me."

CHAPTER XVII

BOGUS DECLARATIONS OF INDEPENDENCE

The Free-Coinage Declaration of Repudiation and Disgraceful Isolation—The Anti-Imperialist Declaration of Disintegration and Free Secession, of Decadence and National Impotence—The Ideal Republic Founded Not on National Dishonor, Free Secession and Confessed Impotence, But on Sound Money, Devotion to the Flag, Expansion and Prosperity—True National Greatness.

(October, 1900.)

The latest paramount and immediate issue, raised by the praises of fervent spellbinders, is the sincerity of the coalition presidential candidate.

Gold Democrat Bourke Cockran eulogizes the sincerity with which Mr. Bryan in 1896 advocated free silver coinage at 16 to 1 and assaulted the gold standard; and he attributes the decision of the country in favor of gold and the resulting financial legislation of the last session of Congress to this very free silver sincerity of Bryan, inasmuch as the vigor of his sincere assaults aroused the republicans and gold democrats to an irresistible retaliatory enthusiasm. Thus Bryan has the double credit of fighting for silver and of bringing victory to gold, and commends himself simultaneously thereby to silver republicans and Cockran gold democrats.

His infernal majesty is sincere, persistent and untiring in his assaults upon humanity's moral citadel; with temptations he assails every weak point; the desperate and systematic resistance aroused by these attacks disciplines and strengthens the defense to the point of beating off the diabolical assailant. Thus the sincere Satan becomes a most effective moral agent and on the Bourke Cockran theory is the savior of the moral citadel.

The sincerity of Bryan in a course which Cockran and other gold democrats must consider evil receives credit for unintended good results. On this analogy Judas Iscariot, the sincere betrayer, is clearly entitled to a large share of the credit for the sacrifice of the death of Christ, and for the resulting redemption of mankind.

As by the sincerity of his advocacy of free silver at 16 to 1 in 1896 Bryan succeeded (according to Cockran) in carrying the country for the gold standard; so in 1900 the evident sincerity of his efforts to be elected President himself may similarly result in his sweeping the country for McKinley.

In both of its campaigns Bryanism has made a specialty of the Declaration of Independence. No patriotic American will venture to speak disrespectfully of that historic document, but it is permissible to suggest that the instrument has been misconstrued and overworked.

FREE-COINAGE DECLARATION OF INDEPENDENCE.

Hear the new American free coinage declaration of independence, proclaimed in 1896 and reaffirmed at Kansas City in 1900!

A great and powerful nation of 75,000,000 people, with all our wonderful resources, is capable of having a financial policy and a distinctive money of its own; should not submit to remain in financial subjection to England or to all Europe; is able single-handed to double the price of silver or anything else in the markets of the world, and he who is so unpatriotic as to assert the contrary is a pusillanimous, crawling, traitorous creature, whom it would be flattery to characterize as a nineteenth century Benedict Arnold!

The silverites' bogus declaration of independence appeals to our characteristic and dominating national pride, and attempts to pervert and abuse national sentiment.

We are invited to revive the spirit of 1776 and to declare our independence of the financial tyranny of England. The vital facts of the proposed independence are silver monometallism, like that of Mexico, as our national financial system, and the payment of 100-cent debts in 50-cent dollars.

We are invited to declare not self-respecting independence, but Chinese or Mexican isolation. Our proposed isolation will be that of the outcast, for it will flow from repudiation of part of our national debt. We declare our independence not of the decrees of Lombard and Wall streets, but of the Ten Commandments. Our defiance is leveled not at British financial tyranny and the Rothschilds, but at the God of nations, who declares to governments as well as to individuals, "Thou shalt not steal."

The free coinage pronunciamiento is not a declaration of independence, but coupled with some of its associated issues in this campaign, is rather a proclamation of civil strife. The Chicago and Kansas City platform coalitionists run up the banner of repudiation, sectionalism and internal dissension. Their campaign arrays class against class, section against section, and appeals to the basest passions of the individual.

We are told by the free coinage advocates that this nation is great enough, single-handed, to double the price of silver over all the globe; great enough to make 50 cents 100 cents by act of Congress; great enough to bear, Atlas-like, a world's weight of silver on its shoulders; great enough, by its own voluntary act, to double with impunity the pressure of this crushing load.

But the nation is not great enough—in folly—to attempt unnecessarily and with no promise of reward this impossible task, and is not great enough—in knavery—to brazen out the swindle which will result from its inevitable failure to raise the burden of the silver of the world to twice its present level.

The nation is too great to be ungrateful to the pensioners and bondholders who risked life and treasure in the republic's defense in its mortal struggle; too great to stifle the warning whispers of the national conscience against dishonorable repudiation of just obligations; too great to place upon America and Americans the stigma of fraudulent bankruptcy; too great for isolation and disgraceful exile from the family of civilized nations; in short, too great to be dishonest, too great to be nailed to a silver cross after the fashion and as a legitimate successor of the impenitent thief.

The free coinage declaration of independence, with its invitation of the republic to repudiation, was itself repudiated so thoroughly in the east in 1896 that its reaffirmation at Kansas City is distinctly labeled: "Good only in the silver-producing states and for the use and benefit of silver republicans!"

Though the difference of opinion between the parties on the money question is the only genuine technical issue of the campaign, since it is the only one in which a definite positive allegation is made on one side and on the other side just as definitely and positively denied; though the issue is pronounced immediate by the Kansas City platform; though it was reaffirmed at Kansas City in a conspicuous and impressive manner after protracted deliberation and full consideration of the opposing argu-

ments; and though Bryan treated it as the real, paramount issue by making it an indispensable condition of his acceptance of the presidential nomination—in spite of all these evidences of the existence, vital importance and immediate urgency of the free coinage issue, Bryanism now boldly attempts to impose upon the credulous and impressionable east a hypnotic suggestion of the issue's non-existence.

For the ears of the gold democrats and the people of the Union who live this side of the Mississippi, another declaration of independence is sounded, that which denounces and defies so-called imperialism, and with quotations from our historic instrument justifies and incites to armed resistance rebellious Filipinos.

ANTI-IMPERIALIST DECLARATION OF INDEPENDENCE.

"Any government not based upon the consent of the governed is a tyranny, and to impose upon any people a government of force is to substitute the methods of imperialism for those of a republic." So says the Kansas City platform.

"If it is right for the United States to hold the Philippine Islands permanently * * * it must expect the subject races to resist it to the extent of their ability. * * * The Filipinos do not need any encouragement from Americans now living. Our whole history has been an encouragement not only to the Filipinos, but to all who are denied a voice in their own government." So says Bryan's Indianapolis speech.

And consequently the words in which Patrick Henry, Jefferson and Washington justified their own revolution rightfully serve to encourage to armed resistance against the United States the Filipinos; and not only the Filipinos, but such persons as the Alaskans, the people of the District of Columbia and the southern negroes who are denied either under the forms of law or by force and fraud a voice in their own government. There can be no such thing as treasonable rebellion against the republic in any part of the territory of or belonging to the United States, for government derives its just powers from the consent of the governed; and armed resistance of any portion of the governed demonstrates conclusively the non-existence of that absolutely necessary consent.

Let us examine the document, fealty to which under the Bryanite construction of it leads to such conclusions. Through this declaration the American colonists announced to the world the severance of the tie which bound them to great Britain; they recognized that a "decent respect to the opinions of mankind" required a statement of the causes of this act; and they submitted to the judgment of a "candid world" a long list of grievances against Great Britain, demonstrating that the British government had become destructive of life, liberty and the pursuit of happiness, and was therefore rightfully rejected by the colonists.

Incidentally the declaration speaks of the establishment of governments "deriving their just powers from the consent of the governed." But this is not the keynote of the declaration. If this phrase meant what the Kansas City platform construes it to mean, namely, that all government without the consent of the governed is tyranny and to be rightfully overturned, the rest of the declaration is surplusage. It would have sufficed to lay down this proposition, and then to say that the American colonists withhold their consent. The opinion of mankind and the judgment of a candid world upon specified tyrannical acts become immaterial.

The declaration also holds as a self-evident truth that all men are created equal. What Thomas Jefferson, slaveholder, meant by affirming

that all men are created equal will continue to be the subject of puzzled discussion as long as the republic endures. If it be a truth at all it is obviously not a self-evident truth, since it requires ingenious definition, qualification and explanatory construing before it assumes a shape which permits it to be accepted as bearing any evidences of truth whatsoever. To most minds the self-evident truth would be that men are created unequal—physically and intellectually, and, through hereditary influences, even morally; unequal in the degree of self-government enjoyed, unequal in the conditions and opportunities of their environment.

If the gist of the declaration had been in fact the affirmation that all men are created equal and that governments derive their just powers from the consent of the governed, and that as a consequence any government from which the consent of the governed is withdrawn becomes a tyranny and can be rightfully overturned, the declaration would obviously uphold the unqualified right of secession and rebellion.

A DECLARATION OF DISINTEGRATION.

It is fatal for a nation to give such unlimited continuing force and universal application to the Declaration of Independence which preceded its formation as to rob it, when established, of all certain authority over the persons subject to its jurisdiction, and to render it impotent to exact loyal obedience from any of its nominal citizens until it is proved that they consent or continue to consent to be governed. The jurisdiction of a government cannot be thus varying, shifting, constantly altering in area and scope to correspond to the whimsical variations in the views of individuals.

When a people are in armed revolt against some government which they find oppressive and unbearable the inspiring Declaration of Independence is their justification to the world, their shield and buckler against the tyrant. When the revolt succeeds and another nation develops upon this foundation the people enter upon new relations with one another and with the world, expressed in Constitution, laws and treaties. The principles and obligations declared in these instruments take the precedence of the Declaration of Independence in the stage of national organization which the people have reached. Every citizen owes allegiance and loyal obedience and support to the government of his country. If he withholds this loyalty and forcibly resists the national authority he becomes a traitor in the eyes of his fellow-citizens and of the nation. He cannot, in defense of his course, quote to his own government the Declaration of Independence against the commands of the Constitution and laws and his oath of allegiance.

And, on the other hand, the loyal citizen in dealing with men living on national territory who are resisting national authority reads to them the riot act and not the Declaration of Independence.

The civil war marked indelibly and in blood the limitations to be put upon the generalities of the Declaration of Independence. The Union is now and forever one and inseparable. Ceasing to consent to its government either by states or by individuals subject to its jurisdiction does not remove them from under its authority, and to sustain this refusal to consent by force of arms, though justified by the abstractions of the Declaration of Independence under the Bryanite construction of that instrument, is condemned as treason by the Constitution and laws of the land.

The United States, though it was established through a rebellion against British authority, has never on that account encouraged or

yielded to rebellion against its own authority, whether the revolt took the shape of riots within states, or the secession of states, or outbreaks in non-consenting territory belonging to the United States.

The Philippines were annexed by purchase and under treaty just as Louisiana, New Mexico and Alaska were annexed. An armed force saw to it that the governed did not dissent in Louisiana; our soldiers killed the people in New Mexico and California who attempted by rifle shots to indicate their non-consent, and our army occupied Alaska, and for sixteen years overawed the non-consenting Alaskans.

Thus whenever the Declaration of Independence has been brandished threateningly in the republic's face by the non-consenting governed among the people subject to its jurisdiction it has sent soldiers to preserve order and to quell what it called riot or insurrection, whether in Louisiana, New Mexico, Alaska or in the south at the outbreak of the civil war; and now it pursues the same course in the Philippines. National self-preservation and maintenance of the national authority have been throughout the guiding principles.

A VINDICATION OF SECESSION.

There are historic precedents for Bryan's use of the Declaration of Independence to encourage men in arms to defy American authority and to shoot down the soldiers of the United States. His construction of the instrument is not that of Abraham Lincoln, whom he cites and eulogizes, but that of Jefferson Davis.

Charles G. Memminger, later the southern confederacy's secretary of the treasury, prepared in 1860 the approved draft of South Carolina's declaration of independence, which adopted and utilized as a justification of the secession ordinance the declarations in the original document of the American colonists of 1776.

During the civil war Representative Alexander Long of Ohio, in the Congress of the United States, denounced the imperialism of the despot, Lincoln, and hurled at him the Declaration of Independence. He said:

"If we cannot rise above the Austro-Russian principle of holding subject provinces by the power of force and coercion, what becomes of the Declaration of Independence?"

"It is enough to know that they (the seceding states) have withdrawn, and my purpose is to convince others of that which to my own mind is clear, that they cannot be forced back into the Union by coercion. * *

* The doctrines laid down as self-evident truths in the Declaration of Independence are that all rightful government springs from the consent of the governed—that any people have the right to alter, change or amend their form of government at pleasure."

The president of the southern confederacy agreed with his secretary of the treasury, Memminger, and Candidate Bryan in their construction of the Declaration of Independence, and the document was quoted against the Union and in favor of secession and national disintegration by Jefferson Davis, president of the confederate states of America, in his inaugural address, February 18, 1861. He said that the states of the confederacy, in seceding, "merely asserted a right which the Declaration of Independence of 1776 had defined to be unalienable."

The biographer of Jefferson Davis (Alfriend) quotes Horace Greeley as saying, in the *Tribune* of December 17, 1860, "If it (the Declaration of Independence) justified the secession of three millions of colonists in 1776, we do not see why it would not justify the secession of five millions of southerners from the federal Union in 1861."

"And on the same principle," Bryan adds, "we do not see why it would not justify the secession of several hundred thousand Tagalogs in 1898."

Bryan would give new life to a theory which was buried in the agony and bloodshed of civil war; and would revive it against the wishes of its former advocates at a time when its logical effect would be to incite to armed revolt the ex-slaves, now citizens, whom the civil war set free.

As construed by Memminger and Jefferson Davis and W. J. Bryan, the Declaration of Independence is a vindication of secession and rebellion and an apologist for so-called treason; and if this sort of Declaration has become an integral principle of the body politic, the republic carries in its bosom the seeds of its own destruction.

The effect of this doctrine of Bryanism is to raise the abstractions of a misconstrued and misapplied Declaration of Independence above the Constitution and laws of the land, above the dictates of love of country, and above the instinct of national self-preservation.

Adoption of this perversion of the Declaration of Independence as the supreme law by a people and government already independent is a Declaration of Disintegration, and the action on this line urged at Kansas City adds free secession to free trade, free riot and free coinage in the list of the coalition party's shibboleths.

A PROCLAMATION OF IMPOTENCE.

From another point of view the anti-imperialist pronouncement is not a declaration of independence, but of national decadence and impotence. It proclaims that through American incapacity and criminal folly the national house is apparently hopelessly afire and that only Bryan's patent anti-imperial fire extinguisher can save it from the flames. The Kansas City platform declares:

"No nation can long endure half republic and half empire, and we warn the American people that imperialism abroad will lead quickly and inevitably to despotism at home. * * * The burning issue of imperialism growing out of the Spanish war involves the very existence of the republic and the destruction of our free institutions. * * * Our most cherished institutions are in great peril; the very existence of our constitutional republic is at stake."

The government of Louisiana for nine years was not based upon the consent of the governed, consequently it was a tyranny. The United States during that period imposed upon its people a government of force, consequently the United States substituted methods of imperialism for those of a republic, and Louisiana was an empire and not a republic.

We are told that the nation cannot exist half republic and half empire. When Louisiana was annexed more than half of the territory of or belonging to the United States was ruled without the consent of the governed under the forms of imperialism by the government at Washington representing the smaller territorial fraction. Then, if ever, the United States was half republic, half empire. Yet the republic has endured to this day.

The republic of 1803, recently formed, lacking national unity, consisted in the main of a long, thin line of settlements along the Atlantic coast, within fifty miles of the ocean, a chain broken by numerous uninhabited gaps. To these settlements are to be added the colonies across the Alleghenies, isolated, hopelessly separated from the Atlantic coast

by many miles of mountains and forest. Diversity of interest, jealousies and sectional prejudices rendered the bond between the states extremely weak. This feeble republic, apparently almost ready to fall apart from internal dissensions, was required to rule arbitrarily with imperial power a vast tract of country, far larger than that included within the states which constituted the governing territory. Unharmful the nation exercised this rule, denounced as unconstitutional, imperial and marking its ruin. Thus the union of states even in the weakness of its troubled infancy, when its own people had little confidence in it, successfully resisted the dangerous tendency toward real imperialism, arising from its arbitrary government of vast Louisiana. The republic and not the empire survived.

And, now, when the republic, after a century of life, is, through its wonderful vitality and under the care of a protecting Providence, homogeneous and powerful, a Union physically and in spirit; when it is knit together from ocean to ocean and from Bering Sea to the Gulf of Mexico by a national sentiment which moves seventy-five millions of people as a unit; when the republic covers over three millions of square miles and "the empire" of the Philippines only about one hundred thousand square miles, we are told that our government totters to its fall, corrupted by the imperialism of its control of a few Asiatic islands; that it is now impotent to apply effectively and safely the same imperial methods which it has employed in the first stages of government of all its previous acquisitions. How the republic must have degenerated!

A DECLARATION OF DECADENCE.

Our ancestors, divided among themselves, weak in the republican faith, successfully sustained the republic against the fierce assaults of temptations to empire; we, their descendants, multiplied fifteen-fold in number, occupying and devoting to republican interests a vast continent, instead of growing in strength and governing capacity, are so puny, so decadent, that the exercise of these semi-imperial functions (to which we ought to have grown accustomed from our previous dealing with national territory) proves too much for our feeble, nerveless hands, even if the scene of their application is in some islands of comparatively insignificant size, hardly 4 per cent of the republic's total area, on the other side of the world.

The Union annexed and has governed for thirty-three years without the consent of the inhabitants, 580,000 square miles of non-contiguous Alaska, a vast territory not acquired to be carved into states, and whose people have never been promised statehood, and probably will never attain it. This imperialism has not, it is conceded, corrupted the nation. Why, then, must the republic totter to its ruin if it exercises precisely similar imperial powers over 114,000 square miles of the Asiatic tropics?

The problem of governing the more numerous natives of the distant Philippines introduces elements of practical difficulty in the task of supplying good government there which did not exist to the same extent in our other acquisitions. But it is impossible to find any difference in the principles of the government proposed for the Philippines and that actually given in the corresponding period to Louisiana and to Alaska.

The character of government does not turn on the number of the persons to whom it is applied. There is as much of the essence of imperialism in the purchase and government without their consent of a hundred Louisianans or Alaskans as of a thousand Tagalogs.

Imperialism in the tropics is no more contaminating than imperialism in the frigid zone.

Every one who has examined the Philippines problem knows that it is full of difficulties to be overcome, as well as full of magnificent and honorable rewards for faithful accomplishment of the task.

The American government and people are called upon to tread a difficult path to a glorious consummation.

Warnings concerning the obstacles to be avoided or overcome are patriotic and to be welcomed. But any one who proclaims that the performance of this task endangers the republic belittles the American people. It is an insignificant labor for the nation which was not overthrown by the empire of Louisiana or the empire of Alaska. Bryan pronounces dastards those who doubted the power of America to double the value of silver over the whole world. They are double dastards who doubt the power of seventy-five millions of Americans to rule with safety on paternal principles the little Philippines, when their ancestors readily disposed of far more serious tasks of a precisely similar kind.

The republic has withstood the shock of civil war, of despotic military government over a large fraction of its area, of existence for a second time as half republic, half empire, when the latter fraction, the non-consenting governed, endured with sullen hatred carpetbag government. Can it not resist the comparatively insignificant impulses to imperialism and militarism resulting from the war with Spain? Our vast armies of the civil war when their work was done, instead of overthrowing the republic and instituting an empire to be ruled despotically by the Man on Horseback, as pessimists feared, quietly and gladly disbanded and returned to their homes and peaceful occupations.

What a million of disciplined soldiers trained in long, hard campaigns to military obedience and habit failed apparently even to think of doing is to be done traitorously by the little army which our recent short skirmish with Spain and guerrilla fighting in the Philippines have developed!

It is our unpatriotic pessimists who are decadent and degenerate—not the republic. They are slanderers of the conscience and capacity of the American people, slanderers of the fine, strong spirit of American nationality, slanderers of the patriotism of the American soldier and slanderers of the character of American government, insultingly suggesting that under its territorial application not so much liberty will be enjoyed as under the dictatorship of a despotic Malay adventurer.

A direct and distinct contradiction is to be noted between the two Bryanite Declarations of Independence.

When the question was of the nation's power, single-handed, to double the price of silver over all the world, Bryan said: "To such dastards as dare to lay a limit to the power of the American people I hurl their cowardice and lack of patriotism in their faces."

When the question is of the republic's power to resist the tendencies toward militarism and imperialism which accompany the acquisition of the Philippines and which have characterized every territorial enlargement of the United States recorded in history, Bryan throws up his hands in despair and in effect says: "The republic is tottering to its fall. The empire is at hand. Republican principles lie in the dust. Only through my election and my intervention can the nation escape its impending doom."

The 1896 declaration, reaffirmed in 1900, is an appeal to false pride,

and boastfully suggests that this great people and glorious nation can do anything, even the supernatural.

The 1900 declaration is an appeal to pusillanimity, a confession of impotence, which suggests that this great people is helpless of itself to ward off imperialistic dangers which our ancestors overcame with ease.

THE IDEAL REPUBLIC.

The beautiful vision of the future republic founded on the rock of eternal truth, developing in material prosperity, in strength and influence, into the supreme moral factor in the world's progress, which Bryan beheld and described in the Revelations chapter that concludes his Indianapolis utterance, evidently does not picture the republic which would logically arise on the foundation of the principles and policies which he advocates.

A governmental structure based on the principle that government without the consent of the governed is without exception tyranny, to be resisted and overthrown, is founded on a quicksand and not on a rock. No stable government can be built upon the doctrine of the inalienable right of the governed to secede from it at pleasure by withholding individual consent. A disintegrating principle is introduced, a widening crack develops in the foundation and the structure inevitably falls. The fiat-money, fraudulent-bankrupt republic which would rise upon a 16 to 1 free coinage foundation could evidently never serve as the supreme moral factor in the world's progress. National dishonor from repudiation which destroys the national credit makes a poor foundation stone for the ideal republic. The Bryanite theory of national impotence to maintain effectively American sovereignty and republican principles if any additional burdens of government, as in Asia, are imposed, confesses a structural weakness in the frame work of the imagined republic which threatens its speedy destruction. The promised American growth and development are impossible for a structure which is represented to be unable to bear another pound's weight upon joists that crack under their present burden. A governmental edifice based upon the Kansas City platform would moreover have national misfortune as one of its foundation stones. Strikes, riots, panics and bankruptcies in this country, and murderous ambushes of our soldiers in the Philippines, aided and abetted by accessories in the United States, contribute to its growth, and are welcomed among its artificers.

Behold in contrast with his vision the actual house of the nation which William Jennings Bryan would build, with its foundations of national dishonor, national calamities, the principle of national disintegration and confessed national impotence! An edifice of shame, a pest house, warning off the world!

But perhaps Bryan is not to be understood as suggesting that the republic which he beholds in ecstatic vision is to develop from his own election or from the success of the policies which he openly advocates. Perhaps, on the ingenious theory submitted by Bourke Cockran which gives Bryan the credit for the victory of the gold standard in 1896 on account of the sincerity with which he assaulted it, Bryan may by the vigor with which he contends for a dishonored, disintegrated, bankrupted and impotent republic indirectly develop through his own defeat the lofty and imposing superstructure of the ideal republic, built on the rock foundations of national honor, sound money, the reign of law, patriotic devotion to the flag, expansion and prosperity.

Bryan slanders the republic of the present in glorifying the imaginary republic of the future. The nation is not degenerate, corrupt, impotent to contend against unrepudican tendencies. It is not tainted morally and inflated with false pride so that it is liable to undertake the impossible task proposed by the free coinage advocates or the dishonorable role of fraudulent bankrupt in the international court.

TRUE NATIONAL GREATNESS.

The republic was never greater in population, wealth and material prosperity—never greater in intellectual advancement and moral stamina—never greater in the strength which comes from unity. The patriotic American sentiment, the spirit of American nationality, which makes a unit of millions, was never so powerful. This spirit was born in the bloodshed of the revolution. It was revived in the agony of civil war when the American people vividly realized that the Union is not a mere abstraction, but something to love, to live for, and, if need be, to die for. It was perfected only in the bloodshed of the war with Spain when north and south, fighting side by side, buried their sectional grievances and were welded into the "more perfect Union."

This centennial year of the establishment of the permanent seat of government at Washington is not a time of national humiliation, of dishonor, of impotence. To be an American was never before so high an honor. The banner bearing the stars and stripes was never so respected over all the globe. The expanded and expanding influence of the nation is beneficial; America is a world power for good and not for evil. The republic of today is sound morally, mentally and physically in spite of the obvious national evils and dangers of the age to which it is subjected.

It is as a great tree, pushing its mighty trunk and widespreading branches into the sky and living and thriving and blessing the world in increasing ratio in spite of the attacks, open or insidious, of all its enemies.

It has endured the devastating cyclone of civil war, the lightning stroke of foreign assault, the insidious attacks of burrowing pests and diseases that bring decay, like public and private corruption, undue love of money, plutocracy on the one side and mob rule on the other, imperialism, militarism and anarchy.

The huge tree which typifies the republic is the symbol of power, resisting successfully all the assaults upon it, whether from the storm, the deadening ice or scorching sun, whether from blight, dry rot, worms or borers. It circulates the sap of unconquerable vitality through all its mighty frame and to the uttermost leaf of its farthest stretching branch, rebuilding the tissues injured by the vermin that infest it or by the forces of nature that wound and partly destroy it. When it ceases to grow it will begin to decay, but the stage of decadence is not at hand. It constantly expands, extending the healthful, wholesome influence of its shade and vitalizing presence over a steadily enlarging area. No upas blight falls from its outstretched branches upon any ground which enjoys its beneficent shade, whether close to its trunk or in the outermost circle to be affected by its influence, when in pursuance of the Divine purpose it shall overshadow the earth.

As of the Israelitish vine brought by the Divine Hand out of Egypt, so of the tree of American nationality in the Psalmist's words it may be reverently said: "Thou didst cause it to take deep root and it filled the land. The hills were covered with the shadow of it."

THE PHILIPPINES

AND

THE UNITED STATES SUPREME COURT

CHAPTER XVIII

THE INSULAR TARIFF CASES

What the United States Supreme Court Has Really Decided—The Constitution Follows the Flag—But Does Not Push Ahead in Its Path and Obstruct Its Progress—No National Impotency.

(October 29, 1901.)

The Supreme Court of the United States is again in session, and the expectation that it will at an early day apply to the Philippines the principles laid down in the spring in the tariff decisions affecting Porto Rico arouses a new and lively public interest in the meaning and effect of that tribunal's previous deliverance.

If the Supreme Court had mounted the tripod of the ambiguous Delphic oracle to deliver its opinions in the insular tariff cases its utterances could hardly have elicited more widely contradictory interpretations.

Many bitter rhetorical tears have been shed, for example, over the Supreme Court's undermining assault upon the organic law of the republic in declaring that the Constitution does not follow the flag, or does not extend to the territories, or that Congress in legislating for our insular acquisitions does so outside of the Constitution. And some who have vigorously defended and justified the alleged offense have in effect entered a plea of guilty to this indictment of the Supreme Court.

What has been assaulted and overthrown in the insular decisions is not, however, the Constitution, but the erroneous theory, deep-rooted in some minds, that the national power of governing the insular acquisitions as territory appurtenant to the United States could not be sustained by the Supreme Court without this predicted disaster to the Constitution.

THE CONSTITUTION FOLLOWS THE FLAG.

If there is any one point thoroughly settled by the opinions of the justices in the insular cases it is that the Constitution "follows the flag" and "extends to the territories" and to every other place to which the government itself extends. Eight out of nine justices agree on this point, and the four of these eight justices who are numbered with the majority in sustaining the government in *Downes* agt. *Bidwell* are more emphatic and more elaborately explicit in the statement of this doctrine than their four associates who dissent from the court's decision in that case.

Justice Brown provides himself with alternative roads to the judgment reached by the court. In one of these routes he moves in reasonable harmony with his four associates in the judgment of the court; the other is trodden by him alone. This solitary way is that which follows

the line of denial that the Constitution extends to the territories and of assertion that our insular acquisitions are to be governed by Congress outside of the Constitution.

Justice Brown in one branch of his opinion answers negatively "the broader question" which he puts to himself whether the revenue clauses of the Constitution extend of their own force to our newly acquired territory. In his reasoning upon this question Justice Brown uses expressions which indicate his belief that our government has powers "outside of the Constitution;" that the Constitution "is applicable to the territories only when and so far as Congress shall direct;" that the power of Congress "is not hampered by the constitutional provisions," and that the idea is precluded "that the Constitution attached to these territories as soon as acquired." It is these expressions of the individual views of Justice Brown and not the decision of the Supreme Court which Justice Harlan, in his dissenting opinion, vigorously assails, declaring that "if the principles thus announced should ever receive the sanction of a majority of the court, a radical and mischievous change in our system of government will be the result. We will in that event be passing from the era of constitutional liberty guarded and protected by a written Constitution into an era of legislative absolutism."

Justice Harlan indicates that we have not yet reached this condition of absolutism, and absolves the Supreme Court's decision from the grave responsibility of taking us there. We shall go over the precipice only when Justice Brown's individual views shall "receive the sanction of a majority of this court," which in the light of the opinions rendered in the insular cases means an indefinite postponement of the catastrophe.

Of course, the four dissenting justices may not be expected to abandon their opposition to the exclusion of the Constitution from the territories, and the four concurring justices are cut off from hope of conversion by the sweeping and uncompromising declaration contained in their opinion sustaining the court's judgment.

Justice White for himself, Justices Shiras and McKenna and for Justice Gray ("in substance agreeing"), says:

The government of the United States was born of the Constitution and all powers which it enjoys or may exercise must be either derived expressly or by implication from that instrument. * * *

Every function of the government being thus derived from the Constitution it follows that that instrument is everywhere and at all times potential in so far as its provisions are applicable. * * *

In some adjudged cases the power to locally govern (the territories) at discretion has been declared to arise as an incident to the right to acquire territory. In others it has been rested upon the clause of Section 3, Article 4 of the Constitution, which vests Congress with the power to dispose of and make all needful rules and regulations respecting the territory or other property of the United States. But this divergence, if not conflict of opinion, does not imply that the authority of Congress to govern the territories is outside of the Constitution, since in either case the right is founded on the Constitution, although referred to different provisions of that instrument. * * *

As Congress in governing the territories is subject to the Constitution, it results that all the limitations of the Constitution which are applicable to Congress in exercising this authority necessarily limit its power on this subject. It follows, also, that every provision of the Constitution which is applicable to the territories is also controlling therein. * * *

In the case of the territories, as in every other instance when a provision of the Constitution is invoked, the question which arises is not whether the Constitution is operative, for that is self-evident, but whether the provision relied on is applicable. * * *

From these conceded propositions it follows that Congress in legislating for Porto Rico is only empowered to act within the Constitution and subject to its applicable limitations, and that every provision of the Constitution which applied to a country situated as was that island was potential in Porto Rico.

The omnipresence of the Constitution and its full supremacy, when-

ever applicable, in every inch of American territory could not be stated more emphatically and more pointedly.

But if Justice Brown's opinion concerning the relations of the Constitution to the flag and to the territories is not the view of the Supreme Court, though he announced the judgment in *Downes agt. Bidwell*, in what respect does he voice the court's opinion, and what is the real decision of the Supreme Court in *Downes agt. Bidwell*, in which the five justices, who, in that case, constitute the court, concur?

Justice Brown says that there are two questions involved in *Downes agt. Bidwell*: (1) Is Porto Rico a part of the United States within that provision of the Constitution which declares that "all duties, imposts and excises shall be uniform throughout the United States"? (2) "The case also involves the broader question whether the revenue clauses of the Constitution extend of their own force to our newly acquired territories?"

Each question is conducted through a train of reasoning to its answer, and that answer in each case is negative. Either question thus answered is decisive. If Porto Rico is not within "the United States" the Foraker act is constitutional. If the Constitution does not extend to the territories the Foraker act is constitutional.

PORTO RICO NOT WITHIN "THE UNITED STATES."

Justices White, McKenna, Shiras and Gray agree with Justice Brown that Porto Rico is not within the United States as the words are used in the uniformity clause, and they consequently agree with him that the Foraker act is constitutional. But they do not agree with him that the Constitution does not extend to the territories, and they refuse to follow him along that path to the conclusion in which they concur.

Of the nine justices Justice Brown is, as already stated, the only one who suggests, as an alternative route of reaching his conclusion, that the territories, and Congress in legislating for the territories, are outside of the Constitution. The other eight maintain the omnipresence of the Constitution wherever the government extends, and its supremacy, whenever it is applicable, everywhere in American territory. Justice Brown's reasoning concerning the Constitution and the territories may therefore be set aside as the expression of his individual views. The part of his opinion which possesses vital interest as being the decision of the court in *Downes agt. Bidwell* is that part which coincides with the views expressed by the other four justices whose votes with his decided the judgment of the court in the case.

Let us examine the path which the five justices tread in common:

Justice Brown.

(1) We are now asked to hold that it (Porto Rico) became (on the ratification of the treaty with Spain) a part of the United States within that provision of the Constitution which declares that "all duties, imposts and excises shall be uniform throughout the United States." If Porto Rico be a part of the United States the Foraker act imposing duties upon its products is unconstitutional not only by reason of a violation of the uniformity clause, but because by Section 9, "vessels bound to or from one state" cannot "be obliged to enter, clear or pay duties in another."

(2) When the Constitution declares that all duties shall be uniform "throughout

Justices White, McKenna, Shiras and Gray.

(1) The right to recover is predicated on the assumption that Porto Rico, by the ratification of the treaty with Spain, became incorporated into the United States, and therefore the act of Congress which imposed the duty in question is repugnant to Article 1, Section 8, Clause 1 of the Constitution, providing that "The Congress shall have the power to lay and collect taxes, duties * * * but all duties * * * shall be uniform throughout the United States." * * * The sole and only issue then is * * * whether the particular tax in question was levied in such form as to cause it to be repugnant to the Constitution. This is to be resolved by answering

the United States" it becomes necessary to inquire whether there be any territory over which Congress has jurisdiction which is not a part of the "United States."

* * * Not only did the people in adopting the thirteenth amendment thus recognize a distinction between the United States and "any place subject to their jurisdiction," but Congress itself in the act of March 27, 1804, * * * applied the provisions of that act not only to "every court and office within the United States," but to the "courts and offices of the respective territories of the United States and countries subject to the jurisdiction of the United States." * * * Unless these words are to be rejected as meaningless, we must treat them as a recognition by Congress of the fact that there may be territories subject to the jurisdiction of the United States which are not of the United States.

(3) We are therefore of opinion that the Island of Porto Rico is a territory appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution, and that the Foraker act is constitutional so far as it imposes duties upon imports from such island.

the inquiry, Had Porto Rico at the time of the passage of the act in question been incorporated into and become an integral part of the United States?

(2) In concluding * * * attention is called to the thirteenth amendment to the Constitution, which to my mind seems conclusive. The first section of the amendment reads as follows: "Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." Obviously this provision recognized that there may be places subject to the jurisdiction of the United States, but which are not incorporated into it and are hence not within the United States in the completest sense of those words.

(3) The result of what has been said is that whilst in an international sense Porto Rico was not a foreign country since it was subject to the sovereignty of and was owned by the United States, it was foreign to the United States in a domestic sense, because the island had not been incorporated into the United States, but was merely appurtenant thereto as a possession. As a necessary consequence the impost in question assessed on merchandise coming from Porto Rico into the United States after the cession was within the power of Congress, and that body was not, moreover, as to such imposts, controlled by the clause requiring that imposts should be uniform throughout the United States; in other words, the provision of the Constitution just referred to was not applicable to Congress in legislating for Porto Rico.

The five justices agree in this train of reasoning:

The case turns upon the decision of the question whether Porto Rico is within the "United States" as these words are used in the revenue uniformity clause of the Constitution. If Porto Rico is not thus within the United States the Foraker act is constitutional.

Porto Rico "is territory appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution" (Brown). Porto Rico "had not been incorporated into the United States, but was merely appurtenant thereto as a possession" (White et al.).

Consequently "the Foraker act is constitutional so far as it imposes duties upon imports from such island" (Brown). "As a necessary consequence the impost in question assessed on merchandise coming from Porto Rico into the United States after the cession was within the power of Congress" (White et al.).

THE NATION IS NOT IMPOTENT.

The five justices who constitute the court in *Downes agt. Bidwell* not only agree in the judgment and in this train of reasoning by which the judgment is reached, but the controlling motive of the decision is the same with all of them. They would not see the nation rendered practically impotent to acquire territory by denial of the rights to hold it for a time appurtenant and unincorporated, and to dispose of it if its retention and absorption should be found undesirable. They would not deprive the republic of "all power to protect the birthright of its own citizens and to provide for the well-being of acquired territory," render-

ing it "helpless in the family of nations," "stripped of those powers which are absolutely inherent in and essential to national existence."

Justice Brown.

To deny to Congress the power, in acquiring and governing territory, to prescribe upon what terms the United States will receive its inhabitants and what their status shall be is practically to nullify the power to acquire territory.

There seems to be no middle ground between this position (affirmation of the power to fix the status of the inhabitants of annexed territory) and the doctrine that if their inhabitants do not become immediately upon annexation citizens of the United States their children thereafter born, whether savage or civilized, are such and entitled to all the rights, privileges and immunities of citizens. If such be their status the consequences will be extremely serious. Indeed, it is doubtful if Congress would ever assent to the annexation of territory upon the condition that its inhabitants, however foreign they may be to our habits, traditions and modes of life, shall become at once citizens of the United States. * * * No construction of the Constitution should be adopted which would prevent Congress from considering each case (of acquisition of territory) upon its merits, unless the language of the instrument imperatively demand it. A false step at this time might be fatal to the development of what Chief Justice Marshall called the American empire. * * * We decline to hold that there is anything in the Constitution to forbid such action.

The nation would be impotent not only to protect itself, but to refrain from inflicting injury upon its appurtenant territory.

It is scarcely possible that Congress could do a greater injustice to these islands than would be involved in holding that it could not impose upon the states taxes and excises without extending the same taxes to them. Such requirement would bring them at once within our internal revenue system, including stamps, licenses, excises and all the paraphernalia of that system and applying it to territories which have had no experience of this kind and where it would prove an intolerable burden.

Justices White, McKenna, Shiras and Gray.

The doctrine of immediate and inevitable incorporation of annexed territory as an integral part of the United States amounts to a denial of the right to acquire by discovery. To concede to the government of the United States the right to acquire and to strip it of all power to protect the birth-right of its own citizens and to provide for the well-being of the acquired territory by such enactments as may in view of its condition be essential, is, in effect, to say that the United States is helpless in the family of nations, and does not possess that authority which has at all times been treated as an incident of the right to acquire. Let me illustrate the accuracy of this statement. Take a case of discovery. Citizens of the United States discover an unknown island peopled with an uncivilized race, yet rich in soil and valuable to the United States for commercial and strategic reasons. Clearly, by the law of nations, the right to ratify such acquisition and thus to acquire the territory would pertain to the government of the United States. Can it be denied that such right could not be practically exercised if the result would be to endow the inhabitants with citizenship of the United States and to subject them not only to local but also to an equal proportion of national taxes, even although the consequence would be to entail ruin on the discovered territory and to inflict grave detriment on the United States to arise both from the dislocation of its fiscal system and the immediate bestowal of citizenship on those absolutely unfit to receive it?

It would forbid national acquisitions by conquest also, even as indemnity in just war, "if the effect of occupation was to necessarily incorporate an alien and hostile people into the United States."

If the treaty-making power can absolutely, without the consent of Congress, incorporate territory, and if that power may not insert conditions against incorporation, it must follow that the treaty-making power is endowed by the Constitution with the most unlimited right, susceptible of destroying every other provision of the Constitution; that is, it may wreck our institutions. If the proposition be true, then millions of inhabitants of alien territory, if acquired by treaty, can, without the desire or consent of the people of the United States speaking through Congress, be immediately and irrevocably incorporated into the United States and the whole structure of the government be overthrown. * * *

The general rule of the law of nations by which the acquiring government fixes the status of acquired territory, it is urged, does not apply to the government of the United States because it is incompatible with the Constitution that that government should hold territory under a cession and administer it as a dependency, without its becoming incorporated. This claim, I have previously said, rests on the erroneous assumption that the United States under the Constitution is stripped of those powers which are absolutely inherent in and essential to national existence.

Analysis and comparison of the formally announced views of the members of the Supreme Court thus demonstrate its opinion (1) that the Constitution "follows the flag," as the popular saying goes, in the sense that it is never separated from the flag; (2) that it does not follow so far behind the flag as to lose connection with it, and (3) that it does not rush in front of the flag to become a stumbling block in its path of progress, reducing it to helplessness.

The contention negated by the Supreme Court is not that the Constitution follows the flag, but that it precedes and gets in the way of the flag, barring its advance and causing national impotency.

The Constitution, and the government which it creates, are indistinguishable. The flag, also, means and is the government. The Constitution is the government crystallized in words in shape to satisfy the understanding; the flag is the government shown forth in symbol in shape to appeal to patriotic sentiment. There can be no hostility, no relations of supremacy and subordination between the two, since, in essence, they are one.

The flag is power; the Constitution cannot be construed into impotency.

In truth, the Constitution neither lags behind the flag to delay, nor pushes ahead to obstruct. It accompanies and sustains the flag, and the two advance together, side by side, with equal step, in harmonious, helpful relation, identical in interest and in spirit, "now and forever, one and inseparable."

CHAPTER XIX

AMERICAN APPURTENANT TERRITORY

Our Political Purgatory and Territorial Limbo—The Status of Appurtenancy—Its Occupants, Their Term of Detention, Their Limitations and Privileges—Benefits Derived From This Limbo by the Republic and by the Citizens of Appurtenant Territory.

(December 9, 1901.)

The Supreme Court in the insular tariff cases, and especially in *Downes against Bidwell*, as reaffirmed and extended in the second *Dooley* case, just decided, has given "local habitation and a name" to a status of American territory, occupied for a time by nearly every new acquisition, but not hitherto authoritatively bounded and described. This status is the initial stage of development in American national life, occupied by territory which has been annexed by the United States, but which has not been absorbed by it; in which the people are not citizens of the United States; to which neither the burdens nor the privileges which are limited in the Constitution to the United States necessarily extend, and which may even be separated from the body politic, if that is found nationally desirable.

The condition is preliminary, like the status of food in the first of the camel's stomachs, removed by several stages from the fourth stomach, where begins that process of digestion which incorporates the food into the camel's body as an integral part thereof.

The condition is experimental, affording opportunity for the applications of tests of worthiness. It is a purgatory, a transition stage either to the inferno of expulsion from the American system or to the paradise of perfect absorption therein.

The condition is preparatory and educational, a national kindergarten, wherein infant communities are fitted to enter the higher classes of instruction in Americanism.

To this condition the Supreme Court has attached the name of "appurtenant territory," as territory appurtenant to the United States, but not incorporated therein as an integral part thereof.

The dissenting justices in *Downes against Bidwell* deny the existence of this intermediate state and submit a caustic definition of their understanding of the status of this appurtenant territory, as created or declared to exist by the court.

Says Chief Justice Fuller: "The contention seems to be that if an organized and settled province of another sovereignty is acquired by the United States, Congress has power to keep it like a disembodied shade in an intermediate state of ambiguous existence for an indefinite period."

How far has the Supreme Court itself rendered unambiguous and definite the status of the occupants of this limbo?

BOUNDARIES OF APPURTENANT TERRITORY.

How much of American territory does it include? All the justices of the Supreme Court agree that the states and the District of Columbia are outside of it. Eight justices, all except Justice Brown, agree that organized, or what Justice White calls incorporated territories, are not included within it. Five justices—Justice Gray expressing the opinion,

and the four dissenting justices necessarily, though tacitly and inferentially, sustaining him—agree that so far as this decision is concerned there are in it no territories in the strict and technical sense, only “territory in the broader sense, acquired by war from a foreign state,” as our insular acquisitions from Spain. The four dissenting justices hold that there is no territory whatsoever in this category, but this opinion falls one vote short of counting as authority.

The boundaries of appurtenant territory may therefore be roughly outlined as follows:

Unmistakably within:

Porto Rico and our other West Indian islands. Tutuila and the seventy guano islands “appertaining to the United States,” Guam, the Philippines and all other Asiatic islands ceded to us by Spain.

In doubt:

District of Alaska.

Without:

All other American territory.

Justice Gray, in holding that the cases before the court did not touch the authority of the United States over the territories in a strict and technical sense, specified as such territories “those which lie within the United States as bounded by the Atlantic and Pacific oceans, the Dominion of Canada and the Republic of Mexico,” and the territories of Alaska and Hawaii. The discrimination of Alaska and Hawaii from territories which lie within the United States was probably not deliberate or intended to be significant, but Alaska displays certain of the conditions which characterize appurtenant territory and may perhaps be properly left in the doubtful category. In the case of Alaska, the precedent was set (1) for the annexation of non-contiguous territory; (2) for the annexation of territory in some degree unsuited in its climate for habitation by the people of the temperate zone; (3) for the annexation of land not intended to be carved into states of the Union, and apparently unfit ever to become states; (4) for the annexation of a territory whose native people are uncivilized and unfit for American citizenship and are specifically denied incorporation as citizens of the United States, and (5) for the annexation of land bordering on the Pacific and of Pacific islands for the avowed purpose of protecting and increasing our Asiatic trade and of controlling and Americanizing the great ocean which is to be the scene of the future triumphs of civilization and of the world’s commerce.

These conditions, in which the case of Alaska resembles that of our recent Asiatic acquisitions from Spain, caused the omission from the Alaskan treaty of cession of those guarantees of statehood, involved in pledges of incorporation “in the Union of the United States,” which are found in every previous annexation treaty to which the United States has been a party. The Alaskan treaty did contain a promise that inhabitants who did not elect to return to Russia within three years should enjoy the rights, advantages and immunities of citizens of the United States, and should be maintained and protected in the free enjoyment of their liberty, property and religion. But the inhabitants referred to were the handful of Russian residents, and there were excepted from this promise of individual incorporation into the United States the “uncivilized native tribes,” constituting nearly the entire population of Alaska, which were specifically denied citizenship and placed on the same footing as our aboriginal Indians. The treaty’s promise of the rights of

American citizenship to the Alaskan whites was for at least thirty-three years disregarded. For seventeen years after cession Alaska remained under the absolute despotism of military rule. It was brought within the customs union, but there was no other indication that it had ceased to be appurtenant and had become incorporated. In 1881 a civil government was provided for the district of Alaska, which is denounced as a sham by ex-Governor Swineford in his work on Alaska. He says: "After the lapse of seventeen years, during the whole of which time the white residents of Alaska lived in a condition either of absolute civil anarchy or military absolutism, their prayers for relief were answered by the enactment of an organic law in which all the more important and valued rights, privileges and immunities of American citizenship are expressly and positively denied them." The well-considered legislation of 1900 does not make Alaska an organized territory or a territory of any sort, but leaves it still "the district of Alaska," without either a territorial delegate or legislature. The meager privileges bestowed are for the whites alone, the uncivilized native tribes, constituting the bulk of the population, being still outside of national citizenship.

Either Alaska is still "appurtenant," or else, though incorporated territorially, its status is anomalous in that its native people, being denied incorporation, are on precisely the same footing as the inhabitants of appurtenant territory, and the territory itself lacks the customary pledge of admission in due season into the Union as a state or states. The native Alaskans are thus either the people of appurtenant territory or they constitute a defective class, an unassimilated political element, within the United States.

TERM OF OCCUPANCY.

How long is the term of occupancy of the appurtenant condition? It lasts until terminated by incorporation of the territory into the United States by act of Congress. Justice Gray lays stress on the temporary and transitory character of this occupancy. "The system of duties," he says, "temporarily established by that act during the transition period, was within the authority of Congress under the Constitution." But termination of this status is a legislative act and, as in transferring from the territorial condition to statehood, the judiciary cannot usurp legislative discretion. As Justice White says: "Conceding that the conception upon which the Constitution proceeds is that no territory, as a general rule, should be acquired unless the territory may reasonably be expected to be worthy of statehood, the determination of when such blessing is to be bestowed is wholly a political question, and the aid of the judiciary cannot be invoked to usurp political discretion in order to save the Constitution from imaginary or even real dangers." It is, therefore, within the discretion of Congress when to transfer the incorporated territory to the status of statehood, when to incorporate territory previously appurtenant, and when by annexation to bring lands, whether apparently fitted or unfitted for ultimate statehood, into the status of appurtenant territory. Thus New Mexico has been retained for half a century in the transition state of the organized territory and still occupies that status. Apparently, Alaska was retained by Congress in the appurtenant condition for at least thirty-three years, if it is not still in that status. The appurtenant condition, like that of the organized territory, in which taxation without representation prevails, is un-American and Congress may

be expected to end it as soon as the national and territorial welfare demands or will permit. But when all is said the termination of this occupancy is within the discretion of Congress in view of all the conditions and may be long delayed, and Chief Justice Fuller's description of this term of occupancy as "indefinite" may be accepted as accurate.

Ex-Secretary Boutwell, in the *North American Review* for August, 1900, notes the indications of Supreme Court opinion in respect to the temporary and transitory nature of the occupancy of the appurtenant stage, and suggests that the new acquisitions must soon be out of the unincorporated status, and concludes that "thus the demand of the anti-imperialists will have been satisfied, though only through a process of delay." The issue was, however, that of the existence of this very power to delay incorporation. When the Supreme Court affirmed this power it overthrew the vital contention of the anti-imperialists, and the decisiveness of the defeat is not modified by the shortness of the period during which Congress, in its discretion, may determine to exercise the contested power. If Congress wishes, in promotion of the public welfare, to prolong this "process of delay," it has only to refrain from the legislative act, whatever its nature, which the Supreme Court indicates as the signal of congressional intention to transfer territory from the appurtenant to the incorporated stage.

Justice Gray, who is most pointed in his suggestions of the temporary and transitory nature of appurtenancy, robs his remarks of much of their comfort to hasty incorporationists by indirectly indicating that so far as the Philippines are concerned this status should be preserved for at least ten years. He notes as an objection to the view that the Constitution requires our customs regulations to apply to this territory that, if such were the case, we should be unable to carry out the provision of the treaty of Paris admitting Spanish ships and merchandise to Philippine ports for ten years on the same terms as ships and merchandise of the United States. If this reason suffices to put the Philippines in the appurtenant stage, it suffices, of course, to keep them there for the ten years during which our treaty pledge to Spain is operative.

DEFICIENCIES AND DISABILITIES.

What are the most important deficiencies and disabilities peculiar to appurtenant territory and its occupants? (1) This territory is not a part of the United States under the revenue uniformity clause of the Constitution, and by analogy probably not under the bankruptcy and naturalization uniformity provisions. (2) It is not a part of the United States for purposes of national citizenship, under the fourteenth amendment.

There seems to be no middle ground between this position and the doctrine that if their inhabitants do not become immediately upon annexation citizens of the United States, their children thereafter born, whether savage or civilized, are such, and entitled to all the rights, privileges and immunities of citizens. If such be their status the consequences will be extremely serious. Indeed, it is doubtful if Congress would ever assent to the annexation of territory upon the condition that its inhabitants, however foreign they may be to our habits, traditions and modes of life, shall become at once citizens of the United States. (Justice Brown.)

To concede to the government of the United States the right to acquire and to strip it of all power to protect the birthright of its own citizens and to provide for the well-being of the acquired territory by such enactments as may in view of its condition be essential, is, in effect, to say that the United States is helpless in the family of nations, and does not possess that authority which has at all times been treated as an incident of the right to acquire. (Justice White for himself and Justices McKenna, Shiras and Gray.)

(3) It is not an integral and inseparable part of the United States territorially. It may be sold and ceded or otherwise disposed of, as a whole

or in part. It was partly to avoid national inability thus to treat annexed territory that the Supreme Court created this status.

In conformity to the principles which I have admitted it is impossible for me to say at one and the same time that territory is an integral part of the United States protected by the Constitution, and yet the safeguards, privileges, rights and immunities which arise from this situation are so ephemeral in their character that by a mere act of sale they may be destroyed. And applying this reasoning to the provisions of the treaty under consideration, to me it seems indubitable that if the treaty with Spain incorporated all the territory ceded into the United States, it resulted that the millions of people to whom that treaty related were, without the consent of the American people as expressed by Congress and without any hope of relief, indissolubly made a part of our common country. (Justice White et al.)

RIGHTS AND PRIVILEGES.

Appurtenant territory enjoys certain peculiar privileges which are coupled necessarily and inseparably with the deficiencies and disabilities already cited. For instance, since such territory is not an integral part of the United States it follows that tax duties laid upon the people of the states need not be uniformly imposed upon the people of such territory, and they may escape also the novel and oppressive burden of American internal revenue taxes.

Congress may also for the benefit of such territory, in order to protect its industries and to raise necessary revenues for it, impose special duties, framed solely to promote the local welfare, upon goods brought into it even from a state of the Union. (Second Dooley against the United States.)

Though not an integral part of the United States appurtenant territory, when it is both "ceded to and in the possession of the United States," is domestic territory of the United States, though not an organized territory, and is "not a foreign country within the meaning of the tariff laws." (De Lima against Bidwell, first Dooley against the United States and Pepke against the United States.)

These cases do not affect in any way the constitutional rights and privileges of appurtenant territory or its relation to the United States as an integral part or otherwise. They merely construe a tariff act of Congress, and decide whether a recently annexed territory falls within the descriptive words of the act, so that duties may be collected under it from that territory. The privilege which the De Lima case, for instance, confers upon appurtenant territory is that of exemption from payment of duties levied specifically upon the products of foreign countries, inasmuch as it is not a foreign country. If it is desired that duties similar to those imposed by the Dingley act upon foreign countries shall be collected on the imports from a new territorial acquisition, provision to that effect must be made in the treaty or in an act of Congress to go into effect upon the ratification of the treaty or the tariff act must itself provide separate schedules for foreign countries and for domestic appurtenant territory.

It has been suggested as a distressing deprivation of privilege from the occupants of this limbo that the appurtenant status violates the letter and spirit of the Constitution and from the constitutional point of view is virtual slavery. But when the Constitution says in the thirteenth amendment that slavery or involuntary servitude shall not exist "within the United States or any place subject to their jurisdiction" it asserts by implication that there are places subject to the jurisdiction of the United States which are not within the United States. And it also asserts by implication that the appurtenant or unincorporated status thus recog-

nized is not in essence one of slavery or involuntary servitude, since the latter are forbidden to exist in the appurtenant territory in the very words which recognize the existence of this limbo.

NOT OUTSIDE OF THE CONSTITUTION.

There is no authority in Congress to govern appurtenant territory "outside of the Constitution;" "in the case of the territories the question which arises is not whether the Constitution is operative, for that is self-evident;" Congress in legislating for appurtenant territory "is only empowered to act within the Constitution and subject to its applicable limitations." (Justice White in *Downes against Bidwell*, voicing sentiments of himself, McKenna, Shiras and Gray, and also, as appears from the dissenting opinions, those of Fuller, Harlan, Brewer and Peckham.)

The opinions in *Downes against Bidwell*, when analyzed and compared, indicate the opinion of the court that the people of appurtenant territory are far from being subjects or slaves to be governed as such by Congress outside of the Constitution, and unprotected by that instrument; and that on the contrary the national organic law is operative in their territory; that the general prohibitions of the Constitution for the protection of life, liberty and property are applicable in their favor, like those against *ex post facto* laws, bills of attainder, titles of nobility and suspensions of habeas corpus; and that they probably enjoy the benefit of practically all of the personal privileges guaranteed by the bill of rights embodied in the first eight amendments.

Since the four dissenting justices in *Downes against Bidwell* are committed to the view that the people of appurtenant territory are entitled to all American constitutional rights and privileges, the vote of only one of the majority is necessary in addition to decide in their favor on any specific point. Every concession then, whether made in the opinion delivered by Justice White or Justice Brown or Justice Gray, is to be viewed as receiving the tacit but inevitable indorsement of four other justices, and as being, in effect, a Supreme Court declaration upon the subject. The rights and privileges of appurtenant territorial citizens, as thus determined, are found to be extensive, instead of non-existent, lacking little in essentials except in the particulars already specified under the head of deficiencies and disabilities.

Congress in legislating for Porto Rico was only empowered to act within the Constitution and subject to its applicable limitations. * * * Albeit, as a general rule, the status of a particular territory (as incorporated or unincorporated) has to be taken in view when the applicability of any provision of the Constitution is questioned it does not follow when the Constitution has absolutely withheld from the government all power on a given subject that such inquiry is necessary. Undoubtedly there are general prohibitions in the Constitution in favor of the liberty and property of the citizens, which are not mere regulations as to the form and manner in which a conceded power may be exercised, but which are an absolute denial of all authority under any circumstances or conditions to do particular acts. In the nature of things limitations of this character cannot be under any circumstances transcended, because of the complete absence of power. * * * There is in reason then no room in this case to contend that Congress can destroy the liberties of the people of Porto Rico by exercising in their regard powers against freedom and justice which the Constitution has absolutely denied. (Justice White et al.)

To sustain the judgment in the case under consideration it by no means becomes necessary to show that none of the articles of the Constitution apply to the Island of Porto Rico. There is a clear distinction between such prohibitions as go to the very root of the power of Congress to act at all, irrespective of time or place, and such as are operative only "throughout the United States," or among the several states.

Thus when the Constitution declares that "no bill of attainder or *ex post facto* law shall be passed" and that "no title of nobility shall be granted by the United States," it goes to the competency of Congress to pass a bill of that description. Perhaps the same remark may apply to the first amendment, that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people to peacefully assemble, and to petition the government for a redress of grievance." * * *

We suggest without intending to decide that there may be a distinction between certain natural rights, enforced in the Constitution by prohibitions against interference with them, and what may be termed artificial or remedial rights, which are peculiar to our system of jurisprudence. Of the former class are the rights to one's own religious opinions and to a public expression of them, or, as sometimes said, to worship God according to the dictates of one's own conscience; the right to personal liberty and individual property; to freedom of speech and of the press; to free access to courts of justice; to due process of law, and to equal protection of laws; to immunities from unreasonable searches and seizures as well as cruel and unnatural punishments, and to such other immunities as are indispensable to a free government. * * *

It does not follow that * * * the people are in the matter of personal rights unprotected by the provisions of our Constitution and subject merely to the arbitrary control of Congress. * * * We disclaim any intention to hold that the inhabitants of these territories are subject to an unrestrained power on the part of Congress to deal with them upon the theory that they have no rights which it "is bound to respect." (Justice Brown.)*

BENEFITS DERIVED FROM THE LIMBO.

The benefits derived from the limbo of appurtenant territory are universal, and are enjoyed by no one at the expense of somebody else. The reproach of fatal impotency is through its existence removed from the national government, and the republic is enabled in good faith to carry out its treaty obligations with Spain. Appurtenant citizens, especially those in the Philippines, are blessed in their government with that flexibility of administration and statutory requirement which is absolutely essential to their welfare. The interests of American expansionists, whether of trade or territory, are wonderfully advanced thereby, and even the anti-imperialists are favored with a last chance to cut the republic loose from the empire, and to push appurtenant citizens or subjects from the American system into the outer darkness.

CLOTHES THE NATION WITH POWER.

(1) Through the existence of this appurtenant stage the nation is clothed, without detriment to the Constitution, with absolutely essential powers, of which it must otherwise have been deprived.

If this intermediate state did not exist annexation would make the inhabitants of acquired territory at once citizens of the United States, however foreign they might be to our habits, traditions and modes of life; Congress would be denied the power to prescribe terms of annexation, and to fix the status of the people of the new acquisition, and since annexation would involve evils and dangers which Congress would be helpless to overcome the national power to acquire territory would be practically nullified. The nation would be impotent, not only to protect itself, but to refrain from inflicting injury upon the annexed territory, if it could not impose upon the states taxes and excises without extending the same taxes to the new acquisition. (Justice Brown.)

If there were not an appurtenant territorial status to prevent the immediate and inevitable incorporation of annexed territory, with an alien and perhaps hostile population, as an integral part of the United States, the nation could not safely acquire territory by discovery, or by conquest, even as indemnity in a just war, or by cession for naval and coaling stations or for an interoceanic canal. The republic would be denied the power to rid itself of appurtenant territory found to be injurious, and alien millions would be incorporated indissolubly into the common country. The

*The constitutional provisions guaranteeing personal rights, which are thus indicated by the Supreme Court opinions to protect the inhabitants of appurtenant territory without requiring further legislation, have been declared applicable to the Philippines by their direct and doubt-solving enactment in the civil government law of July 1, 1902. The constitutional bill of rights is specifically enacted with the exception of the right to bear arms and that of trial by jury, which were viewed as inapplicable to Philippine conditions. (See appendix.)

United States would be deprived of "all power to protect the birthright of its own citizens and to provide for the well-being of the acquired territory," rendered "helpless in the family of nations," and "stripped of those powers which are absolutely inherent in and essential to national existence." (Justices White, McKenna, Shiras and Gray.)

By the creation of this limbo the nation is enabled without injury to the Constitution and without degrading American citizenship or injuriously unsettling American commerce, manufactures or labor to acquire and to hold for the public welfare the Pacific territory and islands necessary to the control of the great ocean of the commercial future. Possession of Alaska and the Aleutian Islands, Hawaii, Guam and the Philippines gives the United States the mastery of the Pacific. Through occupancy of the Asiatic archipelago with its vast area of rich and productive acres, the United States has equipped itself for that exchange of products and goods between the temperate and torrid zones which is the most notable feature of modern commerce. In these days of quickly closing doors of trade, control of a rich slice of the tropics is a valuable commercial asset. Through the same occupancy the United States has established a trading emporium, backed by an army and navy, in the center of the channels of commerce in eastern Asia, and has thereby acquired an important factor of advantage, materially contributing to success in the fight for the tremendous and increasing trade of China and the Asiatic continent. Occupation of the Philippines and the events leading up to it have also conspicuously strengthened American prestige in that part of the world, and of this change every American in Asia, whether diplomatic or consular officer, whether merchant, missionary or concessionaire, will reap the benefit. Without this limbo the United States must in the end abandon the struggle for commercial and strategic mastery of the Pacific, and surrender to competitors the trade with Asia and the tropics, which is becoming more and more essential every year to national welfare and individual prosperity.

Therefore all expansionists, whether western wheat farmers, southern cotton growers, eastern kerosene producers, manufacturers, merchants or missionaries, all advocates of the Greater America as a world power, will hail with satisfaction the creation of the appurtenant stage of American territorial existence.

A LAST CHANCE FOR ANTI-IMPERIALISM.

(2) The Supreme Court's affirmation of the nation's power to rid itself of appurtenant territory which experience has shown, or shall demonstrate, to be injurious to the body politic, should be welcomed most heartily by the anti-imperialists, though their arguments, if accepted by the court, would have led to national impotency in this respect.

There is especial relief in this declaration of power for anti-imperialists like Mr. Bryan, who helped to ratify the treaty of Paris annexing the Philippines, and then found themselves compelled by their view of the national organic law to contend that the cession made the Philippines an integral and inseparable part of the United States. According to their theory of the situation there had been placed on Uncle Sam's shoulders, partly through their assistance, a disease-infected Old Man of the Sea, to whom Uncle Sam was forbidden or impotent to apply exceptional methods of regulation and cure, and whom he was absolutely powerless to dislodge.

There was distress in the situation even for anti-imperialists who had not condoned the treaty of Paris. They illustrated in their own persons the paradox that those who claimed to perceive most keenly the evil of promiscuous incorporation of territory into the republic were also the ones to insist most vehemently that such incorporation had been accomplished and is indissoluble and irremediable. The republic, they contend, will be corrupted and overthrown if we retain the Philippines and the Constitution will not permit us to be rid of them. They do not demand: "Who shall save us from the body of this death?" But they wail: "Nothing can and nobody shall save us from the body of this death!"

They put Uncle Sam in the attitude of saying deliberately what the sinking foreigner through a dislocation of his auxiliaries said in his fright: "Oh! Oh! I will be drowned; nobody shall help me!"

Clearly the most disastrous of happenings from the point of view of the genuine anti-imperialist would have been a Supreme Court decision that the United States could not annex territory, even for a brief tentative period, without completely incorporating it as an integral part of the body politic, and that consequently the Philippines, with their millions of savage and semi-savage Malays, were permanently and inseparably an integral part of the United States, their people sharing in all the most cherished privileges of American citizenship. The anti-imperialistic contention on this point involved a paradox and led logically to stultification. There should be enthusiastic rejoicing among the anti-imperialists over their own apparent defeat.

(3) The existence of this limbo enables the United States to carry out in good faith, without disaster to itself, certain pledges for Spain's benefit contained in the treaty of Paris. If the status did not exist, the treaty must be violated and the nation's word broken.

By the fourth and thirteenth articles of the treaty the United States agree that for ten years Spanish ships and merchandise shall be admitted to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States, and Spanish scientific, literary and artistic works, not subversive of public order, shall continue to be admitted free of duty into all the ceded territories. Neither of these provisions could be carried out if the Constitution required the customs regulations of the United States to apply to those territories. (Justice Gray, in *Downes against Bidwell*.)

IT IS ESSENTIAL TO FILIPINO WELFARE.

(4) The people of our new acquisitions themselves, as well as the expansionists, anti-imperialists and upholders of national good faith among citizens of the United States, should welcome the creation of the status of appurtenant territory. It renders possible that flexibility in the statutes to be applied to them in the early stages of their Americanism which is absolutely essential to their welfare.

In the Philippines, for instance, uniformity in all the widely differing islands of tariffs, labor regulations, general laws, and in forms and degrees of self-government, would be destructive, locally, both of prosperity and of peace; and in none of the islands, if the welfare of the natives is to be promoted, can there be this complete uniformity with the corresponding laws of the United States.

A radical difference of treatment is required for the southern Philippines from that which is wisely applied to the northern islands, and especially Luzon. The former are Mahometan, the latter Christian. The people of the former are to be treated, for the present at least, collectively as tribes and managed through their leaders, the sultans and datos. The latter are to be treated as individuals. The problems of the

former are not only that of wise taxation, but of the gradual and tactful abolition of slavery in conformity with the constitutional prohibition and of Mahometan polygamy. In the latter the problems are those of land, labor and taxation, and the difficulties to be surmounted are those arising in connection with the friars, the Katipunans, Chinese laborers and Tagalog insurgents.

In handling the Sulu sultan and his archipelago there will be need of all the flexibility that is possible under the Constitution in the government of appurtenant territory; and in the end recourse may even be necessary, under conditions which will vindicate the wisdom of its assertion, to the power of expelling incorrigible occupants from the limbo of appurtenancy into the outer darkness of the adjacent inferno, lying just beyond the farthest limit of the American system.

If we do not exercise our power of alienating this portion of appurtenant territory we must govern it in the light of the conditions which prevail there.

We must not, for instance, force upon the Moros the blessings of the Dingley law, uniformly and indiscriminately applied, unless we have the soldiers available to subdue a savage uprising. The Moros are not accustomed to tax duties of any sort and were almost ready to revolt when in 1899 and 1900 the attempt was made to collect there the comparatively light duties imposed by the Spanish law in Luzon.

Nor will the Dingley law and the internal revenue law of the United States be adapted to present conditions in the northern Philippines. The exaction of uniform internal revenue taxes there would subject the Filipinos to an unaccustomed and unendurable burden, far heavier than that which Justice Brown describes in Downes against Bidwell as threatening the Porto Ricans. Our tariff is so adjusted as, while raising necessary revenues, to protect and foster industries which develop in the temperate zone among a highly civilized people, and in a land so enveloped in a network of railroads and telegraph lines that there is quick and easy communication between all the parts. This tariff will not be protective, but destructive, if applied to savage and semi-savage tribes in the tropics, handling products of the torrid zone, lacking manufactures and facilities of transportation. It is easy, in examining the Dingley tariff schedules item by item, to discover articles upon which the duties from the Filipino's point of view are either ridiculous or ruinous.

Just as the Porto Ricans (and curiously enough even the Hawaiians, who have been graduated from the appurtenant status) are now clamoring, in order to meet the competition of the cheap Brazilian product, for a discrimination which will give them a protective duty on coffee (not in uniformity with the states under the Dingley law which puts coffee on the free list), so the Filipinos will be desperately demanding relief from uniformity of duties on numerous items, including rice, which constitutes the native bread, and which under the Spanish law paid only about a tenth of the Dingley rate.

THE BLESSING OF UNEQUAL TAXATION.

Whether the power of discriminating in legislation concerning the territories is practically a benefit or a curse depends, of course, upon the use made of it. Ex-Senator Edmunds says in the *North American Review* for August, 1901: "Unequal taxation is perhaps the most galling and destructive of all forms of tyranny." To impose the burden of equal

and uniform national taxation unaccompanied by the corresponding and related privileges of representation and national citizenship is, however, even more tyrannical and destructive. If the discrimination which results in unequal taxation is exercised in favor of the appurtenant territory, relieving it, for instance, of our internal revenue taxes, and modifying our tariff schedules to meet the conditions of production and manufacture which exist in such territory, the inequality is equitable and beneficent.

The pessimist believes that Congress in exercising its power of discriminating legislation concerning appurtenant territory will revel in the opportunity to degrade into subjects and virtually enslave the miserable inhabitants, robbing them through harsh and unequal tax exactions, and with despotic heel trampling under foot and in the dust their personal rights and republican aspirations.

The optimist believes that Congress, representing the people of the United States, seventy-seven millions inspired by the American spirit, will inevitably so exercise the constitutionally limited power of discrimination as to promote both the national and territorial welfare; basing inequalities in laws for the appurtenant territory upon thoughtful consideration of the peculiar needs of such territory; and recognizing that the interests of the nation and its appurtenances are identical and inseparable, and that the republic cannot and will not succeed in its aspirations as a world power for good unless it puts itself in thought in the place of its appurtenant territory and promotes the latter's welfare as its own.

CODDLING NEWCOMERS IN THE FAMILY.

The treatment of the recent acquisitions by the nation, when compared with that of former annexations, is encouraging to the optimist and a rebuke to the slanderous imputation that the American people, either in themselves or as represented in Congress or the White House, or the Supreme Court, are decadent and degenerate, corrupted to the point of ready subserviency to the usurper, whose empire is pictured as arising upon the wreck of republican principles and institutions.

No previous acquisitions in territory by the United States have ever been treated so considerately or so rapidly advanced along the path of American development as our recent annexations of Hawaii and Porto Rico, and the policy pursued in respect to them gives pleasing promise to the Philippines of their own legislative future. Hawaii endured no preliminary period of military occupation like that of California, Louisiana, Florida and New Mexico, and that of Alaska for seventeen years; and after a brief probation in the appurtenant stage it was organized as a territory. Porto Rico, after a very short period of military occupation, was by the first legislation of Congress concerning it pushed almost to the point of incorporation and to the very border of organized territorial government. The combined effects of the Foraker act and the insular tariff decisions of the Supreme Court have caused Porto Rico to enjoy, first, the local expenditure of every cent of money collected in duties on exports of Porto Rican products to the United States; second, a refunding by the United States to the Porto Rican exporters of duties paid prior to the passage of the Foraker act, a large sum of money already turned over to Porto Rico and expended irrecoverably within the island for the benefit of its people; and, third, free trade at the present time with the United States, without the burden of extension to the island of uni-

form internal revenue taxes to which the states of the Union are subject. Thus Porto Rico gains at every turn. She ate her cake and has it, too.

BENEFITS FOR THE APPURTENANT FILIPINOS.

The Philippines in active revolt were favored with substantially the same legislation (authorizing the President to administer their affairs temporarily) that was at first provided for Louisiana, which acquiesced peacefully in annexation. To be sure, complaint is made (not, however, by the Filipinos) that President Roosevelt is authorized to inject Americanism into the oppressive laws and despotic and corrupt system of administration which Spain imposed upon the people, and against which they revolted; while President Jefferson had no authority, it is asserted, to modify for the relief and benefit of Louisiana the similar monarchical system to which its people were subjected. It may well be doubted whether a greater hardship upon the Filipinos is involved in the continuous exercise by the President of the United States during the temporary civil administration of some of the discretionary and modifying powers which he possessed as commander-in-chief during the military occupation, than in his becoming (like Jefferson) the unreasoning and mechanical instrument of enforcing literally the will of the King of Spain. As a result of this modern despotism, even now before the scattered bands of insurgents have laid down their arms, American brains, conscience and energy are developing an admirable civil government and the beginnings of progressive self-government in the Philippines.

The blessings of unequal taxation have been showered upon the Moros in the shape of a discontinuance of industrial and other internal taxes and a suspension of certain import duties which give them in effect free trade. Exhaustive study (which should culminate immediately in unquestionably valid enactment through the prompt approval of Congress*) has been bestowed upon the preparation of a Philippines tariff

*Congress has legislated wisely and with reasonable expedition along this line. The decision of the Supreme Court in the *Pepke* case rendered the Dingley law inapplicable to Philippine importations into the United States and probably caused it to be applicable to importations into the Philippines except those from the United States. Only a specific act of Congress could alter these relations and conditions, and the national legislature carefully considered the best method of effecting this readjustment.

In tariff legislation for the Philippines there are three essential ends to be attained. First, a tariff on imports into the Philippines, so framed as to protect the industries of the islands and to raise the necessary revenues and carefully adapted to the archipelago's practical conditions and needs. This tariff is the substitute for the Dingley schedules which the Supreme Court decision probably rendered applicable to such importations into the Philippines. Second, a tariff upon importations into the United States from the Philippines which will give to the products of the archipelago all of the concessions in a reduction of duties which can safely and wisely be granted. Third, the payment into the insular treasury for the benefit of the archipelago of all the duties collected, whether on importations from the Philippines into the United States or upon importations into the Philippines from all the world.

Of the three essentials of wise Philippine tariff legislation above specified the bill as originally passed by the House of Representatives provided two. The existing and satisfactory system of duties upon importations into the Philippines and upon exports from the islands was confirmed. The entire revenue from duties whether imposed in the Philippines or here, was diverted into the insular treasury. The House thought, however, that the full Dingley rates should be collected on Philippine importations into the United States, the amount of these duties being turned over to the Philippine treasury.

The Senate insular committee decided on a 25 per cent reduction of Dingley rates on Philippine importations into the United States, and, in addition, a reduction equal to the amount of export duties imposed in the Philippines. The Senate approved this reduction, and after conference the House concurred, and the bill in this shape became a law. The Philippine commission had recommended a 50 per cent reduction. Concessions from the Dingley rates will promote commerce between the Philippines and the United States and be beneficial to Filipino interests and to those of the American consumers. This trade development outweighs the disadvantages of the

(widely differing from the Dingley law), which by the action of the insular authorities went into effect November fifteenth and which in raising necessary revenue and protecting insular industries is as delicately balanced to meet and promote local conditions as the McKinley or Dingley tariff in its relations to the industries of the United States.

Transports that conveyed to the United States from the Philippines soldiers no longer needed, have recently carried return cargoes of school teachers. The Filipino is protected in the field of labor opportunities against the destructive competition of the Chinese. The native is to enjoy easy access to the land of the archipelago—even to the extensive areas owned or claimed by the monastic orders—which, through adjudications as to title in the Philippines supreme court and through public

reduction which take the shape of the loss of a possible additional revenue to the islands and of the threat of a possible slight detriment to certain industries in the United States.

A substantial reduction of the rates (even 75 per cent) seems advisable both for the promotion of a mutually profitable commerce and to emphasize the advantages of being a part of the American system as appurtenant territory of the United States. But if with considerations affecting home industries in view Congress had determined to collect for the present even the full Dingley rates the archipelago would have had no serious ground of complaint. Matters would in this event have been replaced in precisely the same condition in which they stood before the recent decision of the Supreme Court, except that duties collected on this side of the water on importations from the Philippines would no longer go into the national but the insular treasury. An additional source of revenue for the development of the islands would be thus provided. The duties collected in the United States would fall in the same category as the export duties now collected in the Philippines on products shipped from insular ports. If the aggregate of revenues from duties on imports into the Philippines and on exports from the Philippines and on importations into the United States from the Philippines exceeded the requirements of the archipelago and the United States did not wish for any good reason to reduce at that time the duties on Philippine importations into the United States the necessary reduction could be effected either by a decrease of the export duties or of the duties on imports into the Philippines. It was purely a question of the wisest and least oppressive adjustment of the burden of raising the necessary insular revenue.

The Supreme Court decision did not declare a right on the part of the Philippines to free trade with the United States and there would not be the slightest basis for Filipino reproaches if free trade had been even wholly denied. The Supreme Court decided that the Dingley tariff was not necessarily and arbitrarily applied to the Philippines as an integral part of the United States; that flexibility and non-uniformity in this respect were permitted; and it was assumed that this option of flexibility in legislation would be so utilized by Congress as to promote the welfare of both the Filipinos and the people of the United States.

This common welfare is the test of the wisdom of the tariff legislation. What will best promote the interests of the republic and of its appurtenant territory?

There is no revival of the principle of the old fight over Porto Rico. Free trade with Porto Rico was reasonably favored as something in effect promised the Porto Ricans at the time of annexation, deserved by them for their hearty acceptance of American control, and highly beneficial to their material interests without detriment to the welfare of the United States. In respect to Porto Rico the wise exercise of the right to discriminate in respect to it in the matter of the tariff involved an immediate waiver of this right.

But in respect to the Philippines the conditions are entirely different. Free trade between Porto Rico and the United States is, on the whole, beneficial to both parties. Free trade between the Philippines and the United States, with the Dingley tariff applied as a necessary result upon foreign importations into the Philippines, would be disastrous to the Filipinos and injurious to home interests.

In some respects the Porto Ricans have found that the Dingley tariff is not precisely framed to promote in the highest degree their local interests, and, having secured the boon of uniformity in duties with the states, they are now seeking relief from so much of that boon as admits free into their ports Brazilian coffee. They wish to be discriminated against to the extent of a duty on this article. Where there is one item in which the Dingley tariff is a misfit in its application to Porto Rican conditions there are a hundred items in which it is totally inapplicable to conditions in the Philippines. In fact, it would be hard to conceive of a system more oppressive in operation, less productive of revenue and more disastrous in its effects. The plea of the Philippines is not for uniformity of tariff treatment with the states, but for the most considerate discrimination in framing a system which shall be adjusted to local conditions and needs.

In the decision reached by Congress upon this subject, no principle was violated, no American or constitutional right was denied the Filipinos. On the contrary, the legislation, as a whole, was framed on the basis of the most thoughtful consideration of the welfare of the people of the archipelago, their vital interests being safeguarded at every point. (See in appendix, tariff act, and also sections 2 and 84 of civil government act of July 1, 1902.)

purchase of valid ecclesiastical holdings, are to be opened up as public lands in small allotments to those who will live upon and cultivate them. The difficult problem of the friars is in course of settlement upon a basis which will, it is expected, eliminate this primary cause of native discontent and Tagalog revolt. Tactful pressure has brought about a precedent of voluntary emancipation of Moro slaves by Datto Mandi of Mindanao, the ablest and one of the most influential of the Moro chiefs. In establishing the insular judiciary the most anxious solicitude for the welfare of the Filipinos has been in evidence, in the personnel of the bench and even in the language to be employed for the present in the procedure of the courts. And through the whole range of municipal betterments from the introduction of the merit system of appointments to the development of railroads and highways, the reports of Otis and MacArthur and of the Schurman and Taft commissions give evidence on every page of intelligent promotion in the archipelago of the best and most characteristic features of Americanism, wisely adjusted to native prejudice, custom and present capability.* In sharp contrast with this tender consideration for our tropical appurtenants is the policy pursued toward our frigid dependency, Alaska, whose native people were peremptorily denied all hope of American privileges and whose white residents were subjected for seventeen years to the absolutism of strict military control.

Clearly this is the era of rapid transit, not only in the domain of transportation, but in the development of American self-government among the people of our appurtenant territory and in the extension to them of American institutions, rights and privileges.

*President Roosevelt in his address at Fargo, N. D., April 7, 1903, summarizes the recent legislative benefits conferred upon the appurtenant Americans who dwell in the Philippines. He says: "The Congress which has just adjourned has passed legislation of high importance and great wisdom in the interests of the Filipino people. First and foremost, they conferred upon them by law the present admirable civil government; in addition they gave them an excellent currency; they passed a measure allowing the organization of a native constabulary; and they provided, in the interests of the islands, for a reduction of twenty-five per cent in the tariff on Filipino articles brought to this country. I asked that a still further reduction should be made. It was not granted by the last Congress, but I think that in some shape it will be granted by the next. And even without it the record of legislation in the interests of the Filipinos is one with which we have a right to feel great satisfaction. Moreover, Congress appropriated three million dollars, following the precedent it set when the people of Porto Rico were afflicted by sudden disaster; this money to be used by the Philippine government in order to meet the distress occasioned primarily by the terrible cattle disease which almost annihilated the carabao or water buffalo, the chief and most important domestic animal in the islands."

Col. Clarence R. Edwards, chief of the insular bureau, says on the same subject: "Another act passed by Congress and approved by the President February 9, 1903, made provision for the removal of persons accused of crimes to and from the Philippines for trial. Without specific legislation, extradition to and from the Philippines would have been impossible, and criminals escaping from the islands to the United States could not have been returned, nor could fugitives from justice who reached Manila have been returned to the jurisdiction of the court within whose territory their crimes may have been committed. It was not the purpose of the government to make the Philippines a penal colony for untied criminals, and therefore the bill above mentioned was enacted and is now operative. March 3, 1903, the day before Congress adjourned an act was approved which provided for the repayment of duties assessed on merchandise brought into the United States from the Philippine Islands between April 11, 1899, the date of operation of the treaty ceding the Islands to the United States, and March 8, 1902, the date of the passage of the Philippine tariff act."

CHAPTER XX

JOHN MARSHALL, IMPERIALIST

How Would the Great Chief Justice, if Alive, Decide the Insular Tariff Cases—Analysis of Marshall's Personal and Judicial Tendencies—His Judicial Discriminations Against Dependencies, Exalting the National Power—An Old Problem for the New Century—Marshall Could Never Sustain the Doctrine of National Impotency.

The eulogistic addresses concerning the great chief justice, delivered on John Marshall's day (February 4, 1901) and printed in some form in almost every city of the United States, gave to the people of the republic a juster appreciation than had hitherto existed of the real size of this colossal figure among the founders of the nation. The struggle which has raged over his name and doctrines in the discussion of the status of our insular acquisitions, both in the presidential campaign and before the Supreme Court, demonstrates that his influence is a potent factor in the living present. As his spirit dominated certain vitally important branches of the task of republic-making at the beginning of the nineteenth century, so, apparently, it continues to prevail in today's labor of preparing this nation for the enlarged duties and responsibilities of the new-born twentieth century.

In what direction do his spirit and influence tend?

The dissenting minority of the Supreme Court in the decision of *Downes against Bidwell* is of opinion, expressed by Chief Justice Fuller, that the court in that case has overruled Chief Justice Marshall in *Loughborough against Blake*, and Justice Harlan in vigorous criticism of views, expressed and entertained by Justice Brown alone, declares that such principles mean the destruction of constitutional liberty and a radical and mischievous change in our system of government. On the basis of these declarations anti-imperialist comment has pictured Marshall as prostrate under the grinding heel of the present Supreme Court with the Constitution hugged to his bosom and sharing in his overthrow.

The man who was bitterly denounced as a monarchical federalist in his day and generation is now imagined as allying himself in spirit with the assailants of modern "imperialism."

The mighty and subtle brain which gave vitality to the Constitution and clothed the constitutional union with ample and irresistible power is converted by some legerdemain into the principal support of the doctrine of national impotency.

The Supreme Court in the insular decisions through the voices of eight out of nine justices has testified to the omnipresence and full supremacy of the Constitution in all American territory. Instead of overthrowing the Constitution our supreme judicial tribunal has exalted it. Does the court then really overrule and repudiate Marshall. Would not he himself, in all probability, if still chief justice, decide the insular cases as the Supreme Court has done?

The vital questions involved in the discussion are these: Has Congress the power in legislating for the recently annexed West Indian and Asiatic islands to lay and collect duties which are not uniform with those exacted in the states of the Union? Does the Constitution deny this power, however nationally beneficial its exercise and however disastrous

its denial may be, by providing that such duties shall be "uniform throughout the United States"? Is the republic impotent to acquire and govern for a time territory held as appurtenant to but not an integral part of the United States?

The issue in its essence is one of national power, and of the extent to which avoidance of discrimination against territory appurtenant to the United States must under the Constitution be permitted to limit this power.

MARSHALL'S PERSONAL TENDENCY.

Throughout his entire career Marshall's fixed policy was to aggrandize the national idea, to build up the nation at whatever cost, to so frame and construe the Constitution that the government created by it should be endowed with all the powers necessary for its development to the exalted stage of dignity and influence in which Marshall's optimistic mind constantly pictured it. No obstacle of any description, not even a sovereign state clothed in all the majesty of constitutionally reserved powers, was permitted to interfere with the realization of his patriotic ideal.

Marshall was a federalist of federalists. In the Virginia constitutional convention and legislature, in Congress and as Secretary of State in John Adams' cabinet, he was the able and vigorous advocate of a central government possessing every necessary attribute of full sovereignty.

In his "Life of Washington" he describes the federalist party as the one "which contemplated America as a nation and labored incessantly to invest the federal head with powers competent to the preservation of the Union."

In a letter to a friend Marshall said:

I am disposed to ascribe my devotion to the Union and to a government competent to its preservation at least as much to casual circumstances as to judgment. I had grown up at a time when the love of the Union and the resistance to the claims of Great Britain were the inseparable inmates of the same bosom, when patriotism and a strong fellow feeling with our citizens of Boston were identical, when the maxim "United we stand, divided we fall" was the maxim of every orthodox American. And I had imbibed these sentiments so thoroughly that they constituted a part of my being. I carried them with me into the army, where I found myself associated with brave men from different states, who were risking life and everything valuable in a common cause believed by all to be most precious, and when I was in the habit of considering America as my country and Congress as my government.

MARSHALL'S JUDICIAL TENDENCY.

When Marshall was appointed chief justice he was Secretary of State in John Adams' cabinet, and he carried to the supreme judicial position federalist ideas of the attributes of the central government and its relation to the states, territories and the outside world.

In a wonderful series of decisions, covering a period of thirty-four years, he crystallized those ideas into practical working shape as an established and operative governmental system. He ranks with Washington among the creators of the republic and its government. He is also among the preservers of the Union, for a central government clothed with power, which was established through his decisions, was the only form that could have survived the critical periods of American history.

Chief Justice Waite said, May 10, 1884, at the unveiling of the statue to Marshall in front of the Capitol at Washington:

As year after year went by and new occasions required, with his irresistible logic, enforced by his cogent English, he developed the hidden treasures of the Constitution, demonstrated its capacities, and showed beyond all possibility of doubt that government rightfully administered under its authority could protect itself against itself and against the world.

Mr. E. J. Phelps, before the American Bar Association, August 21, 1879, said:

Practically speaking we are indebted to Chief Justice Marshall for the American Constitution. I do not mean the authorship of it or the adoption of it—although in that he had a considerable share—but for that practical construction, that wise and far-seeing administration, which raised it from a doubtful experiment to a harmonious, a permanent and a beneficent system of government, sustained by the judgment and established in the affection of the people. He was not the commentator upon American constitutional law; he was not the expounder of it; he was the author, the creator of it.

Marshall "found the Constitution paper and he made it power; he found it a skeleton and clothed it with flesh and blood."

As the words of Mr. Phelps and Chief Justice Waite suggest, it was not so much the Constitution of which Marshall was the creator, as the living, powerfully effective system of government which by construction of the words of the already-created Constitution he brought into existence and defended against every peril that threatened.

Marshall as a federalist was a thorough-going advocate of doctrines denounced by the opposition as monarchical. He favored a strong central government; he found everywhere in the Constitution and in the reason of things the powers necessary to the development and permanent endurance of such a government. With him the nation was first; the state a very poor second; and the territories and the District of Columbia hardly in sight.

The national government was conceded to be one of constitutionally limited powers. It was supreme, however, within its limits. And if the questioned power was in Marshall's opinion essential to the existence or welfare of the nation he found, in perfect harmony with his view of the Constitution's intent, that such power fell within the bounds of the national government's supremacy.

Of course there was no intentional and conscious manipulation of thoughts and words in a specific partisan direction in Marshall's decisions. His mind worked involuntarily and with machine-like precision along the line of sentiments which, he says, "constituted a part of my being." The results were as creditable to him as they were beneficial to the country. His biographer, Allan B. Magruder, referring to Marshall's sincere contention that the Constitution should be construed neither too strictly nor too liberally, says:

The constitutional questions which came before Marshall chiefly took the form of whether or not the Constitution conferred some power or authority upon Congress or upon the executive. Then the federalist lawyers tried to show how much the language could mean, and the anti-federalist counsel sought to show how little it could mean, and each urged that public policy was on his side. The decision must be yes or no; the authority did or did not rest in the government. * * * Now, it is one thing to be impartial and another to be colorless in mind. Judge Marshall was impartial and strongly possessed of the judicial instinct or faculty. But he was by no means colorless. He could no more eliminate from his mind an interest in public affairs and opinions as to the preferable forms of government and methods of administration than he could cut out and cast away his mind itself. Believing that the Constitution intended to create and did create a national government, and having decided notions as to what such a government must be able to do, he was subject to a powerful though insensible influence to find the existence of the required abilities of the government. Thus when he was asked what certain words meant the meaning which they bore to his mind would often be different from the meaning which they bore to the mind of a person differing from him in opinion concerning the subject to which his words related. The meaning which the words had for him inevitably seemed their natural and proper meaning. Thus in all cases of doubt the decision must reflect the complexion of his mind. It cannot be denied nor is it at all derogatory to him, that this was the case. The great majority of his decisions were in accordance with federalist principles of construction and policy. The republicans all denounce him as a federalist, even of an extreme type.

MARSHALL AS CHIEF JUSTICE.

Some of Marshall's most noted decisions are those which emphasize the supremacy of the departments of the national government over those of the states. In *McCulloch* against the state of Maryland (4 Wheaton, 316) it is declared that the Constitution of the United States and the laws made in pursuance thereof are supreme; they control the constitutions and laws of the respective states and cannot be controlled by them; and consequently a law passed by the Maryland legislature imposing a tax on the Bank of the United States, an institution organized by an act of Congress, is unconstitutional and void. Other cases nullifying state laws and asserting the power of the judicial or legislative branch of the national government are *Fletcher* agt. *Peck*, *Dartmouth College* agt. *Woodward*, *Osborn* agt. *Bank of the United States* and *Brown* agt. *Maryland*.

The broad power of the constitutionally limited federal government which Marshall consistently upheld is characteristically expressed by him in *Cohens* agt. *Virginia*, 6 Wheaton, 264.

The American states as well as the American people have believed a firm and close union to be essential to their liberty and to their happiness. They have been taught by experience that this union cannot exist without a government for the whole; and they have been taught by the same experience that this government would be a mere shadow that must disappoint all their hopes, unless invested with large portions of that sovereignty which belongs to independent states.

To this supreme government ample powers are confided; and if it were possible to doubt the great purposes for which they were so confided the people of the United States have declared that they are given "in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare and secure the blessings of liberty to themselves and their posterity."

America has chosen to be, in many respects and to many purposes, a nation; and for all these purposes her government is complete; to all these objects it is competent. The people have declared that in the exercise of all powers given for these objects it is supreme. It can then in effecting these objects legitimately control all individuals or governments within the American territory.

The special power of the national government to regulate the territories is laid down by Marshall in *American Insurance Company* agt. *Canter*, 1 Peters, 511:

In the meantime Florida continues to be a territory of the United States governed by virtue of that clause in the Constitution which empowers Congress to make all needful rules and regulations respecting the territory or other property belonging to the United States.

Perhaps the power of governing a territory belonging to the United States which has not by becoming a state acquired the means of self-government may result necessarily from the facts that it is not within the jurisdiction of any particular state and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned.

Thus Congress has the unquestioned power to govern territory belonging to the United States. Shall the means be restricted by which this broad power is carried into effect? Marshall says, in reply to this question, in *McCulloch* agt. *Maryland*, 4 Wheaton, 316:

It may with great reason be contended that a government entrusted with such ample powers, on the due execution of which the happiness and prosperity of the nation so vitally depend, must also be entrusted with ample means for their execution. The power being given it is the interest of the nation to facilitate its execution. It can never be their interest and cannot be presumed to have been their intention to clog and embarrass its execution by withholding the most appropriate means. * * * Is that construction of the Constitution to be preferred which would render these operations difficult, hazardous and expensive?

Shall the Constitution receive a strict and cramping construction of the provisions which assert the national power? On this point Marshall says in *Gibbons* agt. *Ogden*, 9 Wheaton, 1:

This instrument (the Constitution) contains an enumeration of powers expressly granted by the people to their government. It has been said that these powers ought

to be construed strictly. But why ought they to be so construed? Is there one sentence in the Constitution which gives countenance to this rule? * * * If they contend for that narrow construction which would cripple the government and render it unequal to the objects for which it is declared to be instituted, and to which the powers given, as fairly understood, render it competent, then we cannot perceive the propriety for this strict construction, nor adopt it as the rule by which the Constitution is to be expounded.

Powerful and ingenious minds taking as postulates that the powers specially granted to the government of the Union are to be contracted by the Constitution into the narrowest possible compass * * * may by a course of well-digested but refined and metaphysical reasoning, founded on these premises, explain away the Constitution of our country and leave it a magnificent structure indeed to look at, but totally unfit to use.

Marshall's mind promptly rejected the suggestion of the impotent central government which would be created by the emasculated Constitution under the cramping construction which he condemned. That construction, which rendered powerless the national government by imposing upon it too stringent limitations in favor of the states, was repudiated by him. Would he not deal similarly with any construction which hampered the national government, and threatened it with injuries by limitations, pressed to extremes, in protection of alleged rights and privileges of territory belonging to the United States?

MARSHALL'S DISCRIMINATIONS AGAINST DEPENDENCIES.

In the insular cases the Supreme Court in upholding what it has considered to be an essential national power has decided that Porto Rico is not a foreign country under the Dingley tariff act, not an organized American territory, and, though it is domestic, appurtenant territory, it is not an integral part of the United States, as those words are used in the revenue uniformity clause of the Constitution. Can Marshall be conceived as guilty of concurring in such discriminations?

The decision in *McCulloch* agt. Maryland and others in similar vein brushed aside the sovereign states when they became obstacles to the upbuilding of the symmetrical structure of the nation. After thus asserting national supremacy over the states in spite of the anti-federalist sentiment that then dominated American politics, Marshall found no difficulty in making the dependencies of the Union take their appropriate place in his scheme of government, nor, in doing so, was he troubled by any resulting necessary infringement of revolutionary principles or of natural rights.

Marshall's decisions, for instance, concerning the status of the Indian tribes make of them nations and not nations; states and not states; treaty-making foreign nations as against the states of the Union (*Worcester* agt. Georgia, 6 Peters, 515), but not territory-alienating foreign nations as against the federal government (*Johnson and Graham's Lessee* agt. McIntosh, 8 Wheaton, 543); states responsible as such for injuries committed, "domestic dependent nations," not foreign states and not states of the Union (*Cherokee Nation* agt. Georgia, 5 Peters, 1).

Thus the Indian tribes are foreign states in that they can make treaties to the advantage of the United States, but not foreign states with title to the lands they occupy, and not foreign states whose citizens can sue as such in the courts of the United States. They are "domestic dependent nations" with all the burdens of domesticity and dependency and none of the privileges thereof. They have the rights neither of a foreign state nor of a state of the Union.

Marshall's treatment of the District of Columbia when the alleged rights of its citizens came in conflict with some claim of national power may also be examined with profit for a suggestive hint concerning his.

probable attitude toward Porto Rico and the Philippines in the present controversy, if he were still chief justice.

In *Hepburn and Dundas agt. Ellzey* (2 Cranch, 445) Marshall held that the District was a state in the signification of that term in international law, but not in the sense of the Constitution, and that its citizens could not bring suit as citizens of a state in United States courts. In *Loughborough agt. Blake* (5 Wheaton, 317) he decided that Congress has the constitutional power to impose direct taxes upon the unrepresented District, notwithstanding the words of the Constitution coupling representation and direct taxation, and notwithstanding "the principle asserted in our revolution that representation is inseparable from taxation."

The Supreme Court of today in the very spirit of Marshall in the *Loughborough* case sustained a questioned national power involving likewise the taxation of dependent territory, disregarding the claim made for such territory of uniformity of treatment with the states under the Constitution.

John Marshall's Supreme Court treated the District as a state when taxes were imposed, but not a state when representatives were apportioned, though the Constitution apparently couples the two things. It was declared not to be a state whose citizens can bring suit in the United States courts, though the Supreme Court at a later date pronounced it in the very spirit of Marshall's reasoning "a state of the Union" under a treaty with France conferring privileges on aliens (*Geofroy agt. Riggs*, 133 U. S., 258). In short, the District is a state when burdens are imposed and not a state when privileges are distributed.

Marshall assumes as a fundamental principle that a national government with the powers necessary to sustain itself in all emergencies has been created. He construes the Constitution to bring about this result. If the wording is dubious he unhesitatingly decides in favor of the national power, and he exercises the subtlety of a wonderful intellect in raising doubts that may lead to the construction enlarging this power.

But when the case concerns the dependencies he sees nothing but the bare words of the Constitution, which must be literally enforced until there comes the civil war or the threat and danger of such war, which alone in modern times seem to suffice to bring about constitutional amendment. If the national welfare appears to require this course he confessedly disregards natural rights and republican principles in dealing with appurtenant or dependent territory, and throws responsibility on the legislative branch. He accompanies this discrimination against the dependencies with semi-apologies and regrets and characteristic allusions to the extreme attention and serious deliberation which have been bestowed upon the case. He is courteous but merciless.

Speaking of his rulings concerning the Indian tribes, he says in *Johnson and Graham's lessee agt. McIntosh*: "However this restriction may be opposed to natural rights and to the usage of civilized nations, yet if it be indispensable to that system under which the country has been settled and be adapted to the actual condition of the two people, it may perhaps be supported by reason and certainly cannot be rejected by courts of justice," and in *Cherokee Nation agt. Georgia*, he says: "If courts were permitted to indulge their sympathies a case better calculated to excite them can scarcely be imagined. * * * If it be true that the Cherokee Nation have rights this is not the tribunal in which

those rights are to be asserted. If it be true that wrongs have been inflicted and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future."

In much the same fashion he recognizes deprecatingly the injustice and inconsistency which on grounds of national necessity he dealt out to the District of Columbia. "It is," he says, in Hepburn and Dundas agt. Ellzey, "extraordinary that the courts of the United States, which are open to aliens and to the citizens of every state in the Union, should be closed upon them (District citizens)." And in Loughborough agt. Blake he says: "Although in theory it might be more congenial to the spirit of our institutions to admit a representative from the District, it may be doubted whether in fact its interests would be rendered thereby more secure; and certainly the Constitution does not consider their want of a representative in Congress as exempting it from equal taxation."

It could be demonstrated that the existence and exercise of the full national power claimed in the insular cases are as essential to the welfare of the appurtenant territory as of the nation, enabling it to enjoy that flexibility of legislative treatment which is necessary to its quickest and best development. But clearly this demonstration is not required in order to present to Marshall a case of justifiable discrimination. His tenderness is never for the dependent territory. In Loughborough agt. Blake he suggests a certain flexibility in the taxation treatment of the territories. Direct taxes may, but need not be, collected from them. This unequal taxation, this lack of uniformity, is not, however, defended as an act of solicitous consideration for the interest of the territories; but solely on national grounds, because the collection of such tax might cost the government more than the amount exacted.

WOULD MARSHALL OVERRULE HIMSELF?

But Loughborough agt. Blake, just cited, is the very case upon which the contention is based that Marshall and the present Supreme Court are irreconcilably antagonistic in opinion concerning the scope of the United States, and that the recent decision overrules and repudiates the view of the great chief justice.

The decision in Loughborough agt. Blake touches the insular tariff controversy at three points: (1) It strengthens the doctrine of broad national power. Congress can tax wherever the republic's jurisdiction extends. No limitation of place is fixed by the Constitution upon such power. This issue is declared by Marshall to be the single question involved in the case. (2) This broad power of Congress is declared at the expense of a dependent and defective member of Uncle Sam's family, the District of Columbia. Marshall concedes that a discrimination against it is involved in the opinion that the principle "no taxation without representation" fails to apply to it. (3) The words of Marshall are found in this decision which indicate his opinion, not, however, supported by any reasoning or involved in the issue of the case, that the territories (in addition to the District of Columbia) are included in the "United States," as those words are employed in the revenue uniformity provision of the Constitution.

As Justice Brown points out in the Downes case the District of Columbia, originally constituted of portions of the sovereign states of Maryland and Virginia, was and is unmistakably within the United States for reasons which do not apply in the case of the territories; and

it is the District and not the territories whose status is at issue in *Loughborough agt. Blake*.

To follow in the insular decisions this offhand and superfluous assumption by Marshall that the territories are included in this particular "United States" means the overthrow of the principle of the actual decision in *Loughborough agt. Blake*, which is that Congress has in ample measure every necessary power of taxation, and that inconvenience or even injustice to appurtenant or dependent territory of the United States in the exercise of such power is to be disregarded in the national interest.

Here then is a situation where the too broad expressions of a court traveling outside of the issue involved are quoted at a later day to prevent the application of the very principle which was at issue in the case and which the court sustained. A dictum in *Loughborough agt. Blake* is used to prevent the application of the principle decided in *Loughborough agt. Blake*.

Marshall has demonstrated precisely what he would do in such a case. In the argument of *Cohens agt. Virginia* (6 Wheaton, 264) counsel for Virginia, in opposing a certain construction, relied upon words used by Marshall himself in *Marbury agt. Madison*, but the chief justice said:

It is a maxim not to be disregarded that general expressions in every opinion are to be taken in connection with the case in which those expressions are used. If they go beyond the case they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the court is investigated with care and considered in its full extent. Other principles which may serve to illustrate are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated. In the case of *Marbury vs. Madison* the simple question before the court was * * * The court decided * * * But in the reasoning of the court in support of this decision some expressions are used which go far beyond it. The court lays down a principle which is generally correct in terms much broader than the decision.

Thus spoke Marshall in overruling himself. In the light of this declaration can any one believe that Marshall would feel himself bound by his unreasoned and unnecessarily broad construction of the words "United States" in the revenue uniformity clause, when in a case affecting the powers and welfare of the national government the true construction of these words was specifically at issue?

It appears then that Marshall would in all probability concur with the Supreme Court of today if that tribunal had in fact, as suggested by Chief Justice Fuller, overruled his opinion in *Loughborough agt. Blake*. But examination of the insular decisions discloses that Marshall would need to reverse himself only to be in agreement with Justice Brown and that the other four justices in the controlling five of the court in the *Downes* case do not place themselves in opposition to any part of *Loughborough agt. Blake*. They discriminate the present case from inclusion within Marshall's dictum instead of overruling it. Marshall said, in 1820, that the United States included states and territories. Justice White, speaking also for Justices McKenna and Shiras, agrees that at that time the United States did include not only states but certain territories which had been incorporated into it. He further maintains that the territory involved in the present litigation has not been thus incorporated, and consequently that Marshall's words do not apply to it. Justice Gray in the same spirit holds that the present issue does not touch at all the territories in a technical sense, only "territory in the broader sense, acquired by war." Thus Marshall may sustain the na-

tional power claimed in the insular cases either by coinciding with Justices White, Gray and McKenna and discriminating this insular "territory belonging to the United States" from the "territories" (incorporated into the United States), referred to in Loughborough agt. Blake, or by overruling the dictum of Loughborough agt. Blake in company with Justice Brown.

AN OLD PROBLEM IN THE NEW CENTURY.

The opening of the twentieth century, marked by the American acquisition of Asiatic islands, confronted the republic with a problem similar to that which it met at the beginning of the nineteenth century in the annexation of Louisiana. Was the Constitution endowed through the wise forethought of its framers and the sound judgment of its construers with sufficient adaptability to enable the government to meet new and enlarged duties and responsibilities? Or did the written organic law so cramp the central government that it found itself helpless to meet the requirements of Greater America?

There was more excuse for yielding to the suggestion of national and constitutional impotency when, as in Marshall's early days as chief justice, the long, thin line of Atlantic coast settlements and the isolated trans-Allegheny colonies which constituted the republic were confronted with the problem of incorporating and for a time arbitrarily ruling a vast tract of annexed wilderness, far larger than the area included within the republic itself; when the people of this feeble republic, so lacking in national unity, were divided among themselves, weak in the republican faith and dubious concerning the success of constitutional government, and when the President of the United States, the head of the dominating political party, was of the unconcealed opinion that incorporation of annexed territory into the Union was impossible under the Constitution.

Now the republic is compact and strong; a Union physically and in spirit; bound together inseparably by a national sentiment which unifies seventy-seven millions of people, who populate and control over three millions of square miles. The precedents from Louisiana to Alaska remove the constitutional doubts which troubled Jefferson. The civil war and the Spanish-American war have revived and wonderfully developed the national spirit. The thirteenth amendment, added long after Marshall's day, makes unmistakable announcement, lacking in Marshall's time, that there may be places subject to the jurisdiction of the United States which are not within the United States as those words are employed in certain sections of the Constitution. The republic incorporated in Louisiana an area greater than its own; in Alaska it annexed an expanse of 580,000 square miles of non-contiguous territory. In both cases it exercised the powers of discrimination in government claimed and denied in the present controversy. If it was not helpless in these instances, why should it be impotent when precisely the same method and principle of treatment are proposed for a territorially insignificant acquisition, about the size of the state of Utah, hardly four per cent of the republic's total area, on the other side of the world?

The republic was never greater in material prosperity, intellectual advancement, moral stamina and in the strength which comes from national unity. There was never a people or government in the history of the world less likely to respond favorably to the demand that they throw up their hands in admitted helplessness before some difficult problem

or heavy task or threatened danger, or confess that their organic written law is a strait-jacket cramping the national limbs and body into impotency before the conditions of the new century.

The question of constitutional adaptability and national strength or impotency at the beginning of the twentieth century is squarely met and answered by the Supreme Court in *Downes agt. Bidwell*.

This tribunal refuses to admit that the Constitution denies to Congress the power in acquiring territory to prescribe upon what terms the United States will receive its inhabitants and what their status shall be. The five justices constituting the court in this case hold that the results of this denial of power would be nationally disastrous. It would practically nullify both the power to acquire and to alienate territory. "It is doubtful if Congress would ever assent to the annexation of territory upon the condition that its inhabitants, however foreign they may be to our habits, traditions and modes of life, shall become at once citizens of the United States." (Justice Brown.)

"Can it be denied that such right (to acquire territory) could not be practically exercised if the result would be to endow the inhabitants with citizenship of the United States and to subject them not only to local but also to an equal proportion of national taxes, even although the consequence would be to entail ruin on the territory and to inflict grave detriment on the United States to arise both from the dislocation of its fiscal system and the immediate bestowal of citizenship on those absolutely unfit to receive it?" (Justices White, McKenna, Shiras and Gray.)

This last quotation suggests that denial of the power claimed would also render the nation impotent to protect from injury the annexed territory and to this view Justice Brown assents. "It is scarcely possible," he says, "that Congress could do a greater injustice to these islands than would be involved in holding that it could not impose upon the states taxes and excises without extending the same taxes to them. Such requirement would bring them at once within our internal revenue system * * * applying it to territories * * * where it would prove an intolerable burden." In thus practically forbidding the nation to acquire territory or to get rid of it, however nationally desirable it might prove to do so, the Constitution would compel a step which "might be fatal to the development of what Chief Justice Marshall called the American empire." (Justice Brown.) It would rob the United States of all power to protect the birthright of its own citizens and to provide for the well-being of the acquired territory, and would render it "helpless in the family of nations," "stripped of those powers which are absolutely inherent in and essential to national existence." (Justices White, Shiras, McKenna and Gray.)

The question asked in the insular cases being thus one of national power under conditions which demonstrate the absolute necessity of its exercise for the national welfare, what would Marshall's answer have been?

MARSHALL'S DECISION IN INSULAR CASES.

Can we not frame from his decisions already cited a logical and consistent opinion in Marshall's unmistakable style, convincingly sustaining the power of the central government claimed in the insular cases and recently approved by the Supreme Court? Would he not at the outset have proclaimed again, as in *Cohens agt. Virginia*, the supremacy of

the national power, the endowment of the federal government with attributes which fit it to meet all emergencies? Would he not, as in *Gibbons agt. Ogden*, denounce that narrow construction of the Constitution which would render that instrument and the government created by it magnificent to look at but unfit to use?

Would he not, as in *McCulloch agt. Maryland*, have declared that in the selection of means to carry out effectively the unquestioned power to govern the territory belonging to the United States the central government should not be clogged and embarrassed and that a construction of the Constitution which had that effect should be condemned and repudiated?

Would he find the slightest difficulty in pronouncing the new acquisitions not foreign in one sense and not an integral part of the United States in another, when, to meet the exigencies of the national requirements, he had pronounced the Cherokee tribe a foreign nation and not a foreign but a domestic dependent nation, not a state of the Union and not a foreign state, a treaty-making power, but lacking the power to alienate land; and when he had declared the District of Columbia a state for bearing burdens and not a state for sharing constitutional privileges?

Would he have hesitated to make a decision which might give Congress the power, if it wished to exercise it, of treating the Filipinos in certain respects as aliens, when in *Hepburn and Dundas agt. Ellzey* he made a decision which, as he himself intimated, placed the people of the District of Columbia in a less favorable relation than aliens toward the courts of the United States?

If attention were called to his opinion indicated in *Loughborough agt. Blake*, that the territories are included within the words "United States" in the uniformity of duties clause, would he not reply as in *Cohens agt. Virginia* and repudiate his dictum when it came in conflict with the vital principle of the point actually decided in the very case in which his too general expressions were uttered?

Or, if he were unwilling to overrule these words, would he not discriminate *Loughborough agt. Blake* from the insular tariff cases, as did Justice White and his associates?

Can such a man as Marshall be conceived by any stretch of the imagination as pronouncing the Constitution incapable of meeting twentieth century conditions and of confessing that the government which the Constitution created is impotent to protect and preserve itself?

But a voice from the anti-imperialist league may exclaim: "Suppose we admit that Marshall was a federalist and imperialist, and might decide with the Supreme Court of today in the insular cases, even though he were compelled to overrule his opinion expressed in *Loughborough agt. Blake* in order to do so, how does that affect us? We are the disciples of Thomas Jefferson, not of Hamilton and Marshall."

The doctrine of national impotency is not merely un-federalist. It is un-republican and un-democratic. It is not an American doctrine at all.

Marshall's robust, patriotic interpretation of organic law was essential to national existence and prosperity. Upon his decisions as a foundation the great republic has arisen.

The giants of those early days all in practice put the constitutional purpose "to promote the general welfare" at the head of their list of motives of action, and even their individual ideas of abstract political

principle were not permitted to interfere with their course when the national welfare was at stake.

Marshall did not need to violate his individual political views in deciding invariably in favor of the nation against state, territory, District, Indian tribe, individual or the outside world. His opinions irresistibly drove him in that direction.

But Jefferson, who thought that the United States could not constitutionally annex and incorporate Louisiana, and that such action, as he phrased it, made blank paper of the Constitution, unhesitatingly annexed and incorporated the new acquisition without a constitutional amendment, because he believed the general welfare required it. He governed the annexed territory on monarchical lines in violation of his principles of natural rights, because he thought the nation's welfare demanded it.

The doctrine of national impotency would be fatal to any political party which obstinately adhered to it. The advocates of the "full power to do all acts and things which independent states may of right do," a power which, in the words quoted, the Declaration of Independence claimed for the United States, have always the advantage in American controversies.

Those who have said that the nation could not do this or that because the power was reserved to the sovereign states; who denied in 1803 the national power to expand by incorporating new territory; who denied the national power to preserve the Union through coercion of the states—these have all been swept aside by the American people in the irresistible progress of the republic, and in the wonderful development of the spirit of American nationality.

In elections, in war and in amendments of the Constitution the American people have uniformly proclaimed hostility to the doctrine of impotency, to the proclamation of a dwarfed or hobbled or paralyzed republic. The government of, by and for the people will never, Samson-like, permit any political Delilah to shear its locks of strength.

In reliance on the so-called imperialistic policy and doctrine of ample national power under the Constitution which Marshall thought and Jefferson acted and the Supreme Court of today has proclaimed anew, the American republic will advance, strong and confident, into the labors and dangers, the high responsibilities and the conspicuous successes of Greater America's twentieth century.

THE PHILIPPINES

AND

THE FIFTY-SEVENTH CONGRESS

CHAPTER XXI

THE SCHURMAN PARADOX

Strange Case of Witness and Advocate Jacob G. Schurman—Facts vs. Opinions—What He Saw and Heard Destroys His Theory—An Advocate of Anti-Imperialism, He Testifies in the Same Breath for Imperialism.

(June 20, 1902.)

In the new anti-imperialism campaign now raging President Jacob G. Schurman of Cornell University, the president also of the first Philippine commission, is a conspicuous figure. Among the anti-expansion leaders he is doubtless entitled to the most consideration. He speaks concerning the Philippines with the authority of one who has seen with his own eyes and heard with his own ears, and who consequently knows—and in this regard he at once attracts public attention as a striking exception to the rule of practical non-acquaintance with the subject which seems to prevail among recent anti-expansion orators. By virtue of his former official connection and his present views, Mr. Schurman has now become the oracle of the anti-imperialists, who reverently quote his words in public and private discussion.

Analysis of Schurman's utterances discloses a curious paradox. While he is the advocate of anti-imperialism, he is a witness for imperialism. He went to the Philippines an opponent of the acquisition of the archipelago, and he is now an enthusiastic advocate of its abandonment. But his testimony concerning what he saw and heard in the islands, and his deductions made on the spot on the basis of his experience and personal observation, render him a most effective witness against the very anti-imperialistic theories which he now upholds.

An interesting and significant feature of the Schurman paradox is the fact that he recognizes no lack of harmony between the dual and conflicting personalities of Witness Schurman and Advocate Schurman. He treats his case as one of the evolution of an anti-imperialist, whereas it is obviously one of revolution. If he had stated that what he thought and said while commissioner in the Philippines was under the stress, perhaps to some extent unconscious, of a sense of official obligation and responsibility, and that now when he was released from the governmental yoke and could think and speak untrammelled in precise accordance with his individual inclinations he viewed things in a different light, his position would be readily understood. His imperialistic critics would be disarmed, and could use against him only ineffectively his repudiated expressions. For every American has the inalienable right, frankly admitting a previous mistake, to change his mind.

But Schurman does nothing of the sort. On the contrary, he reaffirms vigorously his testimony concerning the facts and conditions fall-

ing under his observation in the Philippines, and indorses with renewed emphasis the soundness of the conclusions which he expressed two years ago on the basis of this personal knowledge. Where his opinions have been altered he attributes the modifications exclusively to changed conditions as indicated by the statements or supposed statements of other men.

Under these circumstances the public will take the liberty of comparing Schurman's evidence with that alleged to be furnished by these other men whom he cites, and of forming its own conclusions as a result of this comparison, even when that conclusion differs from the one reached by Schurman himself. The net result of this procedure is to indorse Schurman as an honest and reliable witness, and to discredit him as a logical reasoner upon the evidence in the case.

There is no purpose of raking over half-forgotten utterances of Schurman to sustain against him the trifling charge of ordinary human inconsistency. His case is unique. In a single address delivered by him at Cornell University as late as January, 1902, he makes a complete revolution—like an acrobat who leaps straight upward in the air and after turning a perfect somersault lands with his feet upon the precise point from which he started—all the time protesting that he has not stirred from his original position or for an instant reversed himself. He begins as an anti-imperialist in opinion, he proceeds as an imperialist in act and thought, he concludes as an anti-imperialist advocate of "scuttle." A study of the various positions assumed by him on this occasion and of his declarations in each of his successive attitudes constitutes in itself a liberal education in the varied phases of imperialist and anti-imperialist opinion.

SCHURMAN AS AN IMPERIALIST WITNESS.

In this address Schurman reaffirms his opinions of 1899 concerning the duty and necessity of maintaining American sovereignty; and repeats that he rightly viewed such sovereignty as an established fact and would not permit the subject of independence even to be discussed by the insurgent Filipinos. He stigmatizes the Filipinos in arms at that time as "rebels," influenced not by patriotism, but selfishness and the spirit of brigandage. He declares that while there was among the educated Filipinos (an insignificant fraction of the entire population) a desire for ultimate independence after an indefinite period of American tutelage, speedy independence was impossible and not desired; that there was no Filipino nation; that diversity of races and tongues forbade the spirit of nationality; that there was no public opinion, no aspiration among the masses for independence, and no interest among them in the insurrection.

"American sovereignty over the Philippines having been established by treaty was a fact which was no longer open to discussion by Filipinos in arms. And in meetings of the commission with them I always ruled that question out of order and refused to permit any speaker to debate it.

"The Tagalog insurgents and their Philippine republic did not represent the inhabitants of the Philippine Islands, but only a minority of them.

"For these reasons and also because Aguinaldo's men were rebels in arms, we insisted that the recognition of American sovereignty was the first condition of peace.

"The leaders perceived that under American sovereignty they would enjoy greater liberties than they had ever dreamed of under Spanish rule, and if not a nominal independence at least a firmer and surer self-government than their own Philippine republic could ever guarantee."

The congress, cabinet and president of the Philippine republic decided in 1899 to accept the American sovereignty and peace on the basis

of the proclamation of the Schurman commission; but Luna, the general commanding the army, frustrated the plan, arresting peace delegates, accusing them of treason, and sentencing some to imprisonment and others to death.

"The insurgents in arms were ready to sacrifice everything to their own selfish ambition, ignorance and insane folly. The officers would not abandon their high positions to sink into their former insignificance in the civil community; and the soldiers preferred living on others to working for themselves. Military power released from civil authority always lapses into a selfish or remorseless tyranny, and nowhere is this law more logically illustrated than in the Philippines. Such an unholy carnival of militarism, despotism, brigandage, cruelty and wholesale intimidation of peaceful and unoffending inhabitants as the disorganized insurgent bands have since enacted in different parts of the Philippine Islands is without parallel in occidental history—and finds a parallel in Asia alone. The poor Philippine republic was not only dead, but—what is equally important in oriental politics—it never again pretended to be alive. In America, indeed, honest and patriotic, but sadly misinformed, citizens still talked of the new republic of the orient and that youthful father of his country, Aguinaldo. But the cold fact is that since those tragic happenings in the province of Nueva Ecija in the month of May, 1899, there has not been even the semblance of a Philippine republic; all clean gone are its congress, cabinet, president and other civil officers; while the opposition to the establishment of American sovereignty has proceeded not so much from the patriotism of the people as from the selfishness of individuals, from the lust of military power and oppression, from the spirit of robbery and brigandage."

The Filipinos were absolutely unfit for independence in 1899. The Mahometan tribes in the southern islands—more than a third of the archipelago—had no desire for or conception of it.

"In the Christianized Philippines, namely, Luzon and the Visayas, there was no political organization representing their inhabitants—the defunct Philippine republic was almost altogether a Tagalog organization—on whom the trust of sovereignty might have been devolved. There was not even a single military leader whom all accepted. Thus at the present time (1902) General Lukban, who is fighting us in Samar, and General Malvar in southern Luzon, are playing independently their own hands. What reasonable man, indeed, could have expected harmonious co-operation from Visayans, Tagalogs, Vicolos, Ilocanos and the other peoples of Luzon and the Visayas, who were aware of their ancient rivalries and jealousies, their mutually unintelligible languages, and the isolation in which they lived in consequence of the lack of decent means of communication?"

The people generally did not want immediate independence. Among intelligent Filipinos ultimate independence—after an undefined period of American training—was their aspiration and goal.

"While the peoples of the Philippine Islands ardently desire a full measure of rights and liberties they do not in the opinion of the commission generally desire independence. Hundreds of witnesses testified on this subject to the commission and its individual members, and though they represented all possible varieties of opinion—many of them being in sympathy with the insurgents—they were uniform in their testimony that in view of the ignorance and political inexperience of the masses of the people, the multiplicity of languages, the divergencies of culture and mode of life, and the obstacles to intercommunication, an independent sovereign Philippine state was at the present time neither possible nor desirable, even if its poverty and internal weakness and lack of coherence would not invite and the dissatisfaction of aliens entail the intervention of foreign powers with the inevitable result of the division of the archipelago among them and the disappearance forever of the dream and hope of a united and self-governing Philippine commonwealth.

"There being no Philippine nation, but only a collection of different peoples, there is no general public opinion in the archipelago; but the men of property and education who alone interest themselves in public affairs in general recognize as indispensable American authority, guidance and protection (1899.) * * * * * In 1899 the masses of the people seemed to be indifferent to the outcome of the contest between the Tagalog insurgents we were then fighting and the forces of the United States. As one of them said to me in Cebu, they did not care so long as they had their rice and fish."

THE PROPHET OF ULTIMATE INDEPENDENCE.

The conclusion reached by Schurman upon the basis of his own evidence and in reliance upon his own observations and experience was that the United States exercising its full sovereignty in the Philippines, should give the archipelago the benefit of a long and thoughtfully planned period of American tutelage with ultimate Filipino independence in view; that the nation's obligation was and is to make of the Philippines

an Asiatic republic after the American model, to develop such government, to fit the Filipinos for it, and, finally, after an indefinite and protracted period of training to be determined by the United States, to cut loose from the new republic and permit the latter to go alone.

"Their own organic life being recognized as self-contained and inviolable, when it reaches a degree of maturity qualifying them for independence, a new republic may arise in Asia without any shock to the United States of America. For if under American training the Filipinos come to fit themselves for sovereign independence, I have no doubt Americans will grant it if the Filipinos then desire it.

"Progressive liberty must from the nature of the case issue in sovereign independence 'after the fashion of the really true nations,' if indeed the Filipinos desire that boon when they have reached the stage of political enfranchisement qualifying them to assume it. I make this implication explicit because though the goal may be distant I think it desirable to form a clear notion of what it really is.

"Thus if you look beyond the present and the near future you descry in the distance an independent and sovereign Philippine republic * * * a daughter republic of ours—a new birth of liberty on the other side of the Pacific.

"When representative institutions have been conferred upon the Filipinos, if the people through their regularly constituted spokesman—which Luna, Malvar and Lukban never were—petition for freedom and independence and show that they are capable of maintaining law and order and discharging their international obligations, can it be doubted that the American people would grant such a petition? The United States would deal as liberally with the Philippines as Great Britain with her colonies; and everybody knows that if the self-governing commonwealths of Australia or Canada today desired independence they might have it for the asking. The mistake of Aguinaldo and the insurgents (so far as the insurgents were not mere brigands and robbers) was in approaching the United States with rifles instead of petitions."

All of these statements and prophecies are predicated upon a period of American training of the Filipinos which will fit them in the distant future for self-government, either as a part of the Union or as a daughter republic, a model of republican institutions in Asia. When the Filipinos reach this stage of development corresponding to that of Canada or Australia in relation to Great Britain, they are to express a wish concerning their future government, and then since, in Schurman's opinion, we ought not, must not and will not incorporate them in the Union, we will make of them a new republic. The period of training to develop a nation and a republic in the Philippines will not be shorter than that required to fit the Filipinos for incorporation as an American territory. The labor will be of the same nature in the two cases and of equal difficulty.

If we are to consult or appear to consult the Filipino wishes at all in this future decision, why announce now what the nature of that decision will be? The intelligent Filipinos of the federal party who are working for pacification and American sovereignty aspire to ultimate statehood. Why discourage them so long in advance of the time when the conclusion must be reached? Why not push ahead with the training and development which will be required for either status, and leave the final decision to the Filipinos and Americans of the day when the period of training will be ended and full self-government of some sort is to be enjoyed?

THE ADVOCATE OF IMMEDIATE INDEPENDENCE.

In Schurman's last stage of opinion, without discarding any of his previously expressed and contradictory views, he adopts in effect the policy of "scuttle." Any decent government (or any government at all) by Filipinos of Filipinos is better than the best by Americans. Governments derive their just powers from the consent of the governed. We should set up a representative assembly as soon as possible in the Philippines and submit to that body the question of the permanent form of Filipino government and whether, and how soon, we should cut loose

from the islands. We have no business in the Philippines and should get out, or prepare to get out, at once.

"Undiscoverable, or at any rate undiscerned, if it existed, in 1899, this consciousness of nationality is today so manifest and powerful that General Chaffee, looking at it with the eyes of a military man, has declared, or at least, is reported to have declared, that the natives of these islands are all traitors to American sovereignty; all have their hearts set on independence.

"I am not surprised, therefore, if today we have to reckon with a universal sentiment and idea of nationality among all the peoples of Luzon and the Visayas with a demand or desire for immediate independence.

"But if that be the case—and General Chaffee's statement seems to confirm it as a fact—the greatest obstacle, in my judgment, to the establishment in the near future of a Philippine republic has been removed. When I wrote in 1899, that 'no one can foresee when the diverse peoples of the Philippine Islands may be molded together into a nationality capable of exercising all the functions of independent self-government' (report of first Philippine commission), though I hoped for the dawning of the day within one generation (as I there intimated), I did not expect as early as 1902 to learn from the commanding general that, under the hammer of war and the heat of strife, the welding of these 'diverse peoples' into a common nationality had been consummated.

"I shall not, however, indulge in guesses as to the date when the new fabric should be reared. On that point I desire to be informed by the Filipinos themselves. * * * Here, then, is another reason why Congress should not delay granting representative institutions to the Filipinos. * * * Let a Philippine popular assembly or house of representatives say whether the Filipinos want independence or not, and, if so, at what date they think the grant should be conferred, and we shall then have before us all the conditions necessary for the final solution of the Philippine problem.

"Any decent kind of government of Filipinos by Filipinos is better than the best possible government of Filipinos by Americans."

CONTRADICTORY THEORIES OF ULTIMATE AND IMMEDIATE INDEPENDENCE.

As the prophet and guarantor of ultimate Filipino independence Schurman expresses the opinion that if after a period of American tutelage the Filipinos reach a degree of maturity qualifying them for independence as "a new republic," if under American training the Filipinos come to fit themselves for sovereign independence, "I have no doubt Americans will grant it, if the Filipinos then desire it." The training was to fit the Filipinos to form an independent and sovereign republic—"a daughter republic of ours—a new birth of liberty on the other side of the Pacific." The termination of the period of tutelage was to be decided by the instructor, as England might on request grant independence to Canada or Australia. Its continuance, the object being the development of a worthy and creditable example of republican institutions and principles in Asia, was to be necessarily protracted and the process of training laborious. "The goal may be distant;" "they are likely one day to become a free people;" "if you look beyond the present and near future you descry in the distance an independent Philippine republic."

As finally the advocate of "scuttle" he favors an immediate popular assembly of Filipinos, an immediate decision by that assembly whether the Filipinos want independence, and when they want it, and the acceptance by us of that declaration as furnishing all the conditions necessary for the final solution of the Philippines problem. He concludes by the assertion that "any decent kind of government of Filipinos by Filipinos is better than the best possible government of Filipinos by Americans." In his latest position he, in effect, denies the necessity of a period of American training, and waives the American right to determine when this training is complete. Instead of preparing the Filipinos for self-government as a republic—a daughter of ours—a model and exemplar of republican institutions for the enlightenment and imitation of the orient—retaining to ourselves the right to say when this preparation is perfected and our pupil may confidently walk alone, we are to turn over the decision of the date of independence to the Filipinos themselves, who will

then be at liberty to form not necessarily a republic, but "any decent kind of government." In its ultimate analysis Mr. Schurman's last view adopts the anti-imperialist construction of "the consent of the governed" statement of the Declaration of Independence. Logically it deprives us of the right to require that the Filipinos should set up a decent kind of government. If governments derive their just powers only from the consent of the governed, then any kind (not merely any decent kind) of government of Filipinos by Filipinos is better than the best possible government of non-consenting Filipinos by Americans.

It also follows that any government of Moros is better than the best government of Moros by Tagalogs, and that any government of Visayans or Macabebes or Ilocanos or Vicols or Igorrotes or any one of the numerous tribes of the Filipinos is better, if conducted by the tribe itself, than the best by Tagalogs.

Why should despotic control of the numerous Filipino tribes, varying in language and customs, inharmonious and often bitterly hostile, be intrusted to the Tagalogs of Manila and Luzon in the name of self-government? Must not each tribe at least enjoy independence and govern itself?

MARCHING UP HILL AND DOWN AGAIN.

In this single address Mr. Schurman holds as an arrogant imperialist that American sovereignty is not to be disputed, and also as an anti-imperialist advocate of "scuttle" that it is to be immediately and properly surrendered. He warns off the Filipinos from even discussing independence, and offers it to them for the asking. He finally says to "rebels in arms:" "Verbally admit our sovereignty and we will practically concede your sovereignty." He indorses the most radical assertion of American sovereignty over the Filipinos in 1899, he calls those men "rebels" who deny this authority, he sustains the sending of thousands of soldiers half way across the world to compel nominal assent to our sovereignty, and then as soon as this assent has been secured he proposes to ask the ex-rebels whether they yearn for the sovereignty which has been forced upon them, whether they wish us to go or stay, whether they desire to be trained by us for their own good, or whether they wish to be left to their own devices to set up their own form of government and to conduct it as they please. And he proposes that the United States shall act in accordance with the response to this question and abandon the sovereignty for the defense of which against "rebels" it has expended so much blood and treasure.

Schurman renews the assertion that in 1899 speedy independence was undesired and impossible, and in 1902 he urges that independence be immediately granted because practicable and desired.

Why this reversal of attitude? Have the conditions disappeared which in Schurman's opinion in 1899 prohibited independence for a generation at least?

Has the "undefined period of American training" which was to precede Philippine independence been enjoyed by the Filipinos? Is there less of "ignorance and political inexperience" among them, or a reduction of "the multiplicity of languages," or of "the divergencies of culture and mode of life"? Have the "obstacles to intercommunication" been removed? Is there less of "poverty, internal weakness and lack of

coherence"? Have the "ancient rivalries and jealousies" of the Visayans, Tagalogs, Vicolos and Ilocanos been obliterated? Is there a single military leader now whose government is acceptable to all? Is there a political organization now—for lack of which in 1899 independence could not be conferred? "There being no Philippine nation" in 1899, is there one today? Have the masses of the people, indifferent to the insurrection in 1899, when the Philippine republic was in nominal existence and the fighting force of the insurrection was strongest, been stirred to patriotic interest and enthusiasm and to the development of national sentiment by the dwindling guerrilla warfare of the last few years, conducted by men whom Mr. Schurman denounces as "rebels," "bandits," men lacking patriotism and fighting for selfish motives, preferring to live upon others rather than go to work?

A MIRACULOUS TRANSFORMATION.

Schurman is of the opinion that this change of conditions has been wrought, and he cites as witnesses, in opposition to or in modification of the testimony furnished by himself, Governor Taft, who testifies to increasing Filipino unification on American lines and to growing fitness for American self-government through the influences of peace; and General Chaffee, who is summoned to show Filipino unification on anti-American lines through the welding influence of war. These two witnesses are obviously contradictory, since they represent the Filipinos as developing in precisely opposite directions. But the civilian evidence is quickly dropped and practically the whole burden of responsibility for Schurman's conversion is placed upon the unconscious Chaffee.

"Undiscoverable, or, at any rate, undiscerned, if it existed in 1899, this consciousness of nationality is today so manifest that General Chaffee * * * has declared, or is reported to have declared, that the natives of these islands are all traitors to American sovereignty; all have their hearts set on independence. * * * I did not expect as early as 1902, to learn from the commanding general that under the hammer of war and the heat of strife the welding of these 'diverse peoples' into a common nationality had been consummated."

A fact or condition which Schurman could not discover, and did not discern, and which Chaffee does not now claim to see, Schurman insists that Chaffee perceives and unconsciously asserts, and Schurman thereupon modestly yields as a witness to Chaffee's superior powers of perception. Schurman insists that Chaffee's reports, like those of Taft, demonstrate his own contention, "whatever their own personal views." In like fashion the public now insists that Schurman's reports and speeches, just reaffirmed by him, demonstrate the unsoundness of his present contention, "whatever his own personal views." He is used as a witness in spite of himself and against himself, and his testimony utterly destroys his conclusion.

The scathing words with which Schurman denounces the selfish brigands who in 1899 killed the "Philippine republic" and obstinately continued guerrilla hostilities have already been quoted. These are the men who have, in Schurman's opinion, conducted the unifying, patriotic war which since 1899 has developed a nation where none before existed.

Schurman's theory is that the spirit of common interest, the sentiment of nationality, which was not created in the war against Spain in defense of the Filipinos' lives, their wives and daughters and their property, which was not aroused by the one pitched battle of the army of the "Philippine republic" against the Americans, has been brought into being by the steadily diminishing brigandage of those who, according to

his own reaffirmed testimony, murdered the "Philippine republic" in the spirit of "a selfish and remorseless tyranny," who turned their weapons against their own countrymen and enacted an unparalleled and "unholy carnival of militarism, despotism, brigandage, cruelty and wholesale intimidation of peaceful and unoffending inhabitants," and whose "opposition to the establishment of American sovereignty has proceeded not so much from the patriotism of the people as from the selfishness of individuals, from the lust of military power and oppression and from the spirit of robbery and brigandage."

Note the scope of the miracle! Years of obstinate struggle in defense of life and home and family against military and ecclesiastical oppression failed to arouse a national sentiment and to weld the diverse Filipinos together. But selfish brigands by systematic murders and robberies of their fellow countrymen have excited in them the "fine, strong spirit" of Filipino nationality! The natives were apathetic and indifferent when all were united in the common defense against a foreign oppressor; but have now been aroused to patriotism by the burials alive, the fiendishly devised and ruthlessly executed tortures visited upon them, not by foreign foes, but their fellow countrymen, "the insurgents still in arms." Thus the exterminators of the "Philippine republic," the cold-blooded murderers of unoffending Filipinos become the creators of this spirit of Philippine nationality and the founders of the Filipino republic! The cruelty of "the selfish and remorseless tyranny" exercised by the insurgents in arms over their non-combatant countrymen has developed an undying love of them and of their common country in the souls of their victims, who enthusiastically demand an independent government to be dominated by the very men who have been threatening, robbing and murdering them!

CHAPTER XXII

A MODERN BALAAM

He Desires to Curse, But Is Forced to Bless American Expansion—Prophet Schurman—Insurgents Not Moved by Patriotic National Spirit—They Form Not a Nation, but a Murder Organization, Like the Thugs of India or the Assassins of Persia.

(June 20, 1902.)

President Schurman represents General Chaffee as testifying that the Filipinos "all have their hearts set on independence" and that through the war waged since 1899 by the "insurgent" robbers and murderers of their helpless fellow-countrymen "the welding of these diverse peoples into a common nationality had been consummated." General Chaffee, in making the statements upon which Schurman relies to establish this twentieth century miracle, was reviewing the findings of a military commission in certain cases of fiendish, treacherous, systematic murder of Filipinos, who were friendly to the Americans, by a gang of native assassins, disbanded insurgent soldiers, who had deceived the American authorities at the town of Tay-Tay, in Luzon, and secured appointment to the local offices. Nominally they served the Americans, actually the insurgents. They caused a reign of terror among the Filipinos of Tay-Tay by the murder of all who failed to render prompt obedience to them. Some of their victims were buried alive.

This system of treachery and double-dealing toward Americans and of intimidation by torture or assassination of their fellow-countrymen existed, in General Chaffee's opinion, at other places in the archipelago. The result was to subdue thoroughly the average Filipino, a man of few and simple ideas, accustomed to the chief's rule of force, and to cause him to yield himself blindly to the threatening native bandit, who filled him with terror, and to become disloyal to the Americans, whom he feared much less. He contributed to the Filipino brigands as well as to the support of the local native government instituted by the Americans, and he kept silent about the real character of these conspiring officials and their crimes. On the basis of indications of this widespread technical disloyalty General Chaffee declared:

History affords no parallel of a whole people thus practically turning war traitors and in the genius of no other people was ever found such masterful powers of secrecy and dissimulation; but it is needless to say that no powerful state was ever erected or ever can be erected upon such immoral and unenlightened foundations.

NOT A RACE OF WAR TRAITORS.

As Solomon said in his haste that "all men are liars," so General Chaffee, in his just indignation, generalized with equal haste in respect to Filipino characteristics and sweepingly pronounced them as a people "war traitors." The fact that many natives were murdered for loyalty to the Americans and that with others the treachery of silence was secured only through the reign of terror which had been established indicates that there was no universal or deep-rooted disloyalty. General Chaffee has been summoned as a witness by Schurman even as against himself, and his evidence must be accepted as a whole. In the same case in which he used the words above quoted he further said:

The number of peaceful men who have been murdered in these islands at the instigation of the chiefs, while impracticable of exact determination, is yet known to be so great that to recount them would constitute one of the most horrible chapters in

human history. With respect to their chiefs, the commanding general has therefore no other recourse than to invoke the unrelenting execution of the law upon them and to appeal to the intelligent and educated among the Filipino people to aid him by renewed efforts to end a reign of terror of which their own people are the helpless victims.

Of course, a whole people cannot be suspected of sincere devotion to a system which constitutes "a reign of terror" among them and causes the massacre of countless unoffending native victims.*

The truth is that as early as the first months of 1900, when I visited the archipelago, the distinction between the intimidators and the intimidated among the Filipinos was clearly defined, and the necessity was obvious of a more vigorous treatment of the bandits who lurked in the forests and mountains, and who robbed and murdered in cowardly fashion hundreds of their own defenseless countrymen and an occasional straggler among the American soldiers. A severe policy was demanded, both for the protection of the peacefully inclined Filipinos and for the strengthening of the American party among the natives. When Filipinos in arms were captured at this time they were in most cases merely disarmed and set free, and a Filipino in white, whose gun might be hidden close by, was to be accepted without question as an *amigo*. The average Filipino, whose controlling desire was life and peace, and to whom, as General Chaffee says, "the law of the land is and always has been the law of terror," could not be expected to refuse submission to those who would rob and murder him if he resisted in order to sustain those who would not protect him if he adhered to them and would not hurt him if he opposed them.

*In the annual report of the Taft commission of November, 30, 1900, they say: "From all the information we can get it seems clear that a great majority of the people long for peace and are entirely willing to accept the establishment of a government under the supremacy of the United States. They are, however, restrained by fear from taking any action to assist the suppression of the insurrection, which has for its indispensable support a conspiracy of murder. Without this, armed resistance to the United States authority would long ago have ceased. Anyone suspected of giving information to the Americans concerning the insurgents is immediately marked for assassination. The ramifications of the conspiracy are so wide that it has effected the terrorism of an entire people. It is a Mafia on a very large scale. The difficulty the people have in communicating with the Americans because of a want of knowledge of their language, character and customs would have a tendency to make them silent in any event, and when this is accompanied by the very present prospect of being abducted, *bolloed* or tortured if any disclosure is made, it is not remarkable that the insurgents are able to assume the role of *amigos* when pressed and hide themselves in the barrios of the towns if driven out of the mountains where they have their headquarters. Not infrequently the municipal officers assume a double duty, one to the Americans and one to the insurgents, though this is not generally true, except in those provinces near to which an active insurgent headquarters is situated. Nor does this double part indicate that the sympathy of the municipal officer is with the insurgent, but only that punishment for failure to render service to the insurgents will be much more bloody and severe than for infidelity to the Americans and the violation of the oath of allegiance." The reports of General Otis and General MacArthur contain evidence to the same effect. General Wheaton reporting concerning operations in northern Luzon, June 30, 1901, says: "The continued resistance to the authority of the United States was maintained by the leaders of the insurrection through a system of terror by assassination. All suspected of willingness to accept American occupation were, by the orders of these chiefs of assassins, doomed to death inflicted by executioners who lurked in the immediate vicinity of the towns occupied by our forces and murdered men and women and in some instances children, these murders being perpetrated with circumstances of great cruelty."

In his report of May 6, 1902, General Wheaton discusses elaborately and in detail the relations between the insurgents and the peaceably disposed Filipinos. By way of summary he says: "The whole administration of affairs . . . was under the control of the insurrectionary brigands and guerrillas assuming to be patriots, but in reality engaged in a system of robbery, enforced by the terrors of assassination. The insurrectionary leaders and chiefs of guerrillas from their hiding places in the mountains and forests completed a system of taxation, contribution and confiscation which gave them complete control, their executioners in the vicinity of every pueblo and barrio enforcing their mandates with the dagger or by burying alive, when they found it convenient, those natives who were lacking in obedience to their commands."

NOT PATRIOTS, BUT ROBBERS AND ASSASSINS.

If, however, General Chaffee's generalization were accurate, and all Filipinos as "war traitors" were murderously treacherous like the torturers and assassins whose cases he was reviewing, no argument would be derived therefrom for the immediate independence of a Filipino republic. As Chaffee himself says: "No powerful state can ever be erected on such immoral and unenlightened foundations." Disloyalty to the Americans would not be equivalent to loyalty to a Filipino nation. The spirit of nationality is not discernible either among the native intimidators or intimidated. Concerning the Filipinos in arms Schurman has expressly testified that they were influenced not by patriotism but the spirit of brigandage and lust of military power. The Filipinos who were intimidated into silence concerning the bandits and into rendering secret aid to them were "war traitors" not from love of country but from fear of certain of their countrymen, the alternative from nominal disloyalty to the Americans being burial alive or some other horrible death. It would not be a spirit of patriotism, a sentiment of nationality which had universally developed, but, as Schurman has aptly described it, "a spirit of robbery and brigandage" and a "lust of military power and oppression." The Filipino republic which we should establish would be composed not of patriots, but of robbers and assassins, "ready to sacrifice everything to their own selfish ambition," who had contaminated and depraved all their countrymen and brought them as a race into an "unholy carnival of militarism, despotism, brigandage and cruelty."

General Chaffee indirectly asserts that the "whole people" have practically turned "war traitors;" Schurman says that he testifies that the natives "all have their hearts set on independence." The two statements are as wide apart as the poles.

Chaffee speaks for himself on the point of insurgent "patriotism." In another trial by military commission it was confessed that "if a man did not pay his contribution to the insurgent collector he was ordered to be killed." Reviewing a case in which a Filipino was buried alive, and two native women were burned at the stake, Chaffee denounced the insurgents in arms as "the so-called guerrilla, but now degenerate, bands, whose chief occupation is robbery, enforced by murder and assassination of their own people."

Patriotism, he says, long since ceased to be the guiding motive of these bands. The number of men and women who have been destroyed by their own countrymen under guise of making war upon the American forces now reaches high into the thousands, and the work of these cowardly assassins, now misnamed insurrectoes, still goes on in a few districts where they profess to be making war on the United States, but where, in fact, they engage only in terrorizing the people into the surrender of enough property to enrich the leaders and support their ignorant and vicious followers. The laws of war, having in view the ultimate return of peace with complete protection for the lives and property of the people, denounce upon all such banditti the penalty of death. No matter under what name or society they may seek to disguise their true character as banded assassins, the work of their extermination will go on until chief and follower shall cease their inhuman trade.

The truth concerning the Filipino condition is that good and evil are still in conflict there, that the bandits have not universally depraved their fellow-countrymen, nor have the amigoes yet completely absorbed the armed bands.

We are invited to decide in favor of a domestic victory for the Filipinos in arms over those whose voice has been for peace, and, conceding that the former's hostilities have created a nation, to turn over the archipelago to their control. If history were searched for parallels of the gov-

ernment which would be thus established, based upon the terrorism of secret murder, closer analogies would be discovered than that furnished by George Washington's republic, which, according to Schurman, the Filipinos are to emulate.

HISTORIC INSTANCES OF DOMINATION BY MURDER.

The printed reports of the trials of Filipinos for murder and torture of their countrymen, and of stragglers among American soldiers, present a horrible picture, a repetition on a large scale of the case at Tay-Tay, to which reference has been made. Small bands of robbers and assassins dominated whole provinces. The murder conspiracy at Tay-Tay numbered twenty-five, with only a few concealed rifles. They were not uniformed at any time, but appeared in Tay-Tay as ordinary citizens, going about their peaceful pursuits. They were enabled to dominate the mass of Filipinos by assuming the functions and powers of the native chiefs. Chaffee says:

The native surrenders his will unreservedly to one standing in relation to him as chief. The law of the land is and to him always has been the law of terror. His chief holds in his hands the power of life and death. So governed, the native surrenders his service and conscience to his chief and looks to him to assume any and all responsibility for any crime he is told to commit.

The Thugs in India were a religious fraternity of professional assassins and robbers, "which professedly in honor of the goddess Kali is addicted to the committal of murders and chiefly lives upon the plunder obtained from its victims." In southern India the Thugs lived under the protection of the native chieftains. They were divided into organized bands, some of them large in numbers, each with its leader, its teacher, its entrappers, its stranglers and its grave-diggers. Part of the plunder went to Kali, and after every murder the Thugs performed a religious ceremony.

The Assassins (Hashishim) of Persia were a military and religious order, founded by Hassan ben Sabad about 1090, and remarkable for their secret murders committed in blind obedience to the will of their chief. The order was thoroughly organized. First as supreme and absolute ruler came the Prince or Old Man of the Mountain. Then his vice regents in Jebel, Kuhistan and Syria, the three grand priors of the order. Next the Dais and Refiks and then the uninitiated, first among whom were the Fedais, the devoted, a band of resolute youths, the ever-ready and blindly obedient executioners of the Old Man of the Mountain. "It is easy to conceive the terror which so unscrupulous a sect must have inspired. Several princes secretly paid tribute to the Old Man of the Mountain." Possession was obtained of many hill castles, and for nearly two hundred years the Assassins intimidated and dominated the entire region. In the time of the Crusades they numbered 50,000. When, under the sixth successor to Hassan, they were subdued, a hundred hill forts held by them were captured.

THUGS AND ASSASSINS OF INDIA, PERSIA AND THE PHILIPPINES.

The treachery and powers of dissimulation ascribed by Chaffee to the rebellious Filipinos were characteristic of the Thugs of India and the Assassins of Persia. The former systematically planned "to insinuate themselves into the confidence" of their victims. The latter's catechism, prepared by the Old Man of the Mountain, treated in one section "of

the art of worming themselves into the confidence of men." The systematic treachery and betrayal of confidence, with robberies and secret assassinations, which the records conclusively fasten upon the insurgent Filipinos, were committed without even the excuse of religious fanaticism, and these murderers sink lower in the scale than the stranglers of India and the hashish-inflamed Assassins of Persia. The latter preyed upon strangers. The Filipino bandits, cowardly as well as cruel, tortured and brutally murdered especially their own helpless countrymen.

The Filipino bands are not so highly organized as were the Thugs and Assassins. The latter were far more numerous and powerful and more worthy to be treated as a nation.

All three organizations exercised a powerful influence through fear on the people and chiefs in their neighborhood. The Assassins' reign of terror in Persia has been duplicated in Luzon.

The Assassins were a serious obstacle to the march of the Crusaders; the Thugs opposed and were crushed by the English; the Filipino murderers are brushed aside by the irresistible forward movement of American progress.

In India and Persia the cloak of religion was not permitted to cover organized robbery and murder. Shall the cloak of "patriotism" or "national sentiment" serve as such disguise in the Philippines?

There is as much patriotism and national sentiment in the Filipino thugs and assassins as there was of true religion in the Thugs of India and the Assassins of Persia.

The "independence" sought by the Filipinos in arms has not been and is not that of Washington and the forefathers, but that of the Old Man of the Mountain and his subject Assassins. Their dominating spirit, as Witness Schurman has well said, is not national sentiment, the love of country, but the spirit of brigandage, cruelty and oppression.

Would Schurman's new Asiatic nation thus founded and erected be "a daughter republic of ours," an exemplar of American institutions, a creditable offspring, to be acknowledged proudly before all the world, "a new birth of liberty on the other side of the Pacific, which shall animate and energize those lovely islands of the tropical sea and rearing its head aloft stand as a monument of progress and a beam of hope to all the oppressed and benighted of the Asiatic continent"?

Would it even be "any decent form of government" of Filipinos by Filipinos, which Schurman prefers to American control? Could we abandon the peace-loving, friendly class of Filipinos to this carnival of crime, and protect the organized criminals against justly exasperated foreign powers?

Witness Schurman conclusively refutes Advocate Schurman's argument for the immediate convening of a Filipino assembly to decide the question of independence for a Filipino "nation" erected on these "immoral and unenlightened foundations."

The testimony of Schurman and Chaffee and Taft is in perfect agreement on this point. The latter says in his Outlook article:

The independence under present conditions of the Philippine Islands will mean the subjection and not the liberty of its people. It will mean internecine warfare and will be followed by an absolute government.

PEACE, NOT WAR, WILL BRING SELF-GOVERNMENT.

Very clearly the Filipinos have not reached the goal of desire and fitness for independence and the genuine spirit of nationality by the anti-

American, brigandage and assassination route. It is a slander upon the people as a whole to believe that they have yielded generally to the murder conspiracy. Their progress toward self-government is plainly along the other path which the majority of the Filipinos, and especially the educated natives, are now pursuing. It is the path of acceptance of American sovereignty, training and benefits and of peaceful development materially, intellectually, morally and politically. It leads to ultimate self-government, either as an integral part of the American republic, or as an independent nation, the first republic in Asia.

Unquestionably at that time in the future when the Filipinos are fitted for "government of the people, by the people and for the people," if we are unwilling to admit them to statehood, and if they desire independence, the Filipino republic, comprising a fraction of the Philippines as yet undetermined, will come into being.

This statement implies that American sovereignty in the Philippines is undisputed; that, exercising this sovereignty, the republic will overcome all armed opposition in the archipelago; that after pacification America will train the Filipinos in self-government on republican lines, and that, finally, our government will graduate the Asiatic pupil either into statehood or separate independence, the length and character of the curriculum and the destination of the pupil to be determined according to the judgment of the instructor.

Our present mission is to foster Filipino development in civilization, in fitness for self-government and in material prosperity, and to protect the peaceful, law-abiding natives both against white adventurers who would prey upon them and against the murderous robber bands of their own countrymen. Severity toward the latter is mercy toward the Filipinos as a people.

During the probation period of American tutelage which lies immediately before the Filipinos we must exercise the powers intrusted to us as guardians in good faith for the welfare both of the Filipinos and American peoples. We must bestow upon the nation's wards in the orient beneficent acts, not merely remote and possibly delusive promises. The position of those who pledge so much of abstract rights for a glittering future that they neglect to meet the Filipinos' urgent present needs is illogical and indefensible.

We have freed the Filipinos from Spanish ecclesiastical and military oppression; we have saved them from the blood-and-iron despotism of the natural European successor to the sovereignty of bankrupt Spain; we have spared them anarchy, internecine war and the cruel absolutism of a native dictator, whose despotic rule would be based on murder; we have protected them in their opportunities of self-sustaining labor against the threatening invasion of the Chinese; we are opening up the land of the archipelago to their occupation and use, pushing and persuading out of the islands the friars whom the Filipinos hate, and returning to the people the vast rich areas of ecclesiastical lands; and, finally, through our intervention "the Christian Filipino people," as Governor Taft declares, "are now enjoying greater individual liberty and a greater voice in their government than ever before in their history, and with the official declaration of peace now near at hand both will be increased."

A MODERN BALAAM.

The beneficence of the guardianship of Greater America in the orient and the need of the exercise of this sovereignty for an indefinite period for the welfare of the Filipinos themselves are so firmly established by the reaffirmed testimony of Witness Schurman himself that no mere assertions of opinion, based on less direct and authoritative evidence, can suffice to overturn his convincing statements. Schurman, desiring to declare against the expansion of Americanism in the orient, is compelled by truth and conscience to bear witness in its favor. His strange case is like that of Balaam, who, when called upon as a prophet of anti-expansion to curse the conquering Israelites, against his own will did bless them, and as an involuntary expansionist pictured the spread of the chosen people's power, institutions and privileges over the promised land.

Balak, king of the Moabites, offered "the rewards of divination" and "promotion to very great honor" to Balaam of old, if he would curse the Israelites and thus enable Balak "to drive them out of the land." Balaam did his best to earn the promised reward, and was persistent in the matter even to the point of incurring personal danger. But God's truth was too strong for him. Instead of a contractionist prophet of evil, the spirit made of him repeatedly the foreteller of expansion for the chosen people.

"Behold the people shall rise up as a great lion. * * * Who can count the dust of Jacob and the number of the fourth part of Israel? Surely there is no enchantment against Jacob, neither is there any divination against Israel; according to this time it shall be said of Jacob and Israel, what has God wrought? * * * How shall I curse whom God has not cursed? * * * There shall come a star out of Jacob and a scepter shall arise out of Israel."

It is not revealed whether our modern Balaam is influenced by any promise of the rewards of anti-imperialist divination in the shape of "promotion to very great honor," or by any resentment for past disappointments in respect to such official promotion and honor; but it is perfectly obvious that, while like Balaam of old he has been and is attempting to drive out from the orient a chosen people, the words which conscience and the spirit of truth compel him to utter involuntarily testify against him and his personal desires, and indicate that the American spirit, institutions and influence, instead of being expelled with curses, will remain to bless the people of the archipelago, and that in respect to the uplifting and enlightening work of the republic in the Philippines it shall be said: "Behold what God has wrought!"

CHAPTER XXIII

UNCLE SAM'S MRS. CAUDLE

Senator Hoar's Curtain Lecture on the Spanish Treaty—Scolding the Nation—Bewailing the Irremediable Past and "the Crime of '99"—Which "Repealed the Declaration of Independence, Brutalized the Monroe Doctrine and Murdered the Only Asiatic Republic."

Senator Hoar's impressive speech concerning the Philippines (May 22, 1902) was doubly effective in its delivery because the views therein expressed differed radically from those of his political party, and an unquestionable conscientiousness and sincerity characterized and emphasized its scholarly and eloquent words of denunciation.

But when read in cold type and analyzed this notable speech resolves itself into the simple elements of a succession of mere rhetorical and futile scoldings of the administration and the Senate for making and approving, respectively, the Spanish treaty and of the administration and Congress for not promising independence to the Filipinos. One branch of this Caudle lecture, hectoring and nagging the national government, dismally bewails the irremediable past, and the other bestows a tongue-lashing upon Uncle Sam for not anticipating the uncertain future.

We deliberately undertook in the Spanish treaty, Mr. Hoar declares, to acquire "sovereignty" and "eternal dominion" over "a people fighting for independence and liberty," and everything of evil that has happened since has been "the natural, inevitable, inexorable result" of that treaty. After denouncing his fellow-countrymen as, in the agreement with Spain, repealing the Declaration of Independence, brutalizing the Monroe doctrine, overthrowing the only Asiatic republic and crushing the aspirations for liberty of the only Christian people in the orient, Mr. Hoar somewhat superfluously, it would seem, heaps additional and comparatively feeble reproaches upon these remorseless subjugators and despots because they have neglected to tell their victims what they are going to do with them and because they do not immediately promise to restore to the subjugated the independence which they have just brutally and tyrannically destroyed. We have not only murdered Filipino liberty with every demonstration of diabolical malice and hate, but we actually refuse to state when we propose to resuscitate the corpse!

IS THE DECLARATION OF INDEPENDENCE REPEALED?

The root of all national evil, according to Mr. Hoar, is in the Spanish treaty, and the essence of the wickedness of that document is in its disregard of the principle assumed by the Declaration of Independence that "just governments rest only on the consent of the governed." The incidental recital to this effect in that historic document has in Mr. Hoar's imagination become the whole of the Declaration of Independence, its substance, its life, its soul. So, when the nation acts on an interpretation of these words which differs from that given to them by Mr. Hoar it has repealed the Declaration of Independence. But this offense does not measure the full extent of our treasonable sacrilege. Mr. Hoar demonstrates to his own satisfaction that the Monroe doctrine is merely a reassertion of the "consent of the governed" principle; and in differing from him as to the meaning and effect of these words

we have not only repealed the Declaration of Independence but the Monroe doctrine also; or at least we have brutalized the latter declaration by depriving it of its soul.

Like the country doctor whose plan of action, in respect to all his patients, of whatever symptoms, was to throw them into fits and then to attack the latter disorder, for the reason that "he was death on fits," Mr. Hoar resolves our great national and fundamental declarations into his own interpretation of the "consent of the governed" doctrine, and then approaches the case with the easy confidence of one who knows exactly how to handle it.

But is the "consent of the governed" doctrine the only vital part of the Declaration of Independence? Through this proclamation the American colonists announced to the world the severance of the tie which bound them to Great Britain; they recognized that a "decent respect to the opinions of mankind" required a statement of the causes of this act, and they submitted to the judgment of a "candid world" a long list of grievances against Great Britain, demonstrating that the British government had become destructive of life, liberty and the pursuit of happiness, and was, therefore, rightfully rejected by the colonists. Incidentally, the Declaration speaks of the establishment of governments "deriving their just powers from the consent of the governed." But these words of description or recital, whose verb of assertion is subordinated into the unassuming participle, do not constitute the keynote of the Declaration. If this phrase meant what Mr. Hoar construes it to mean, namely, that all government without the consent of the governed is tyranny and to be rightfully overturned, the rest of the Declaration is surplusage. It would have sufficed to lay down this proposition and then to say that the American colonists withhold their consent. The opinion of mankind and the judgment of a candid world upon specified tyrannical acts become immaterial.

Is not the primary and conspicuous justification of our revolt, as laid down in the Declaration, the demonstration of England's unbearable tyranny rather than the incidental abstraction concerning the non-consenting governed?

HAS THE MONROE DOCTRINE BEEN BRUTALIZED?

Is the assumption that consent of the governed is an essential attribute of just governments the foundation and sole justification of the Monroe doctrine? Whatever John Quincy Adams may have privately suggested as a plausible ground upon which to base the doctrine, the declaration itself gave warning notice of a permanent withholding of our consent, not from government of the non-consenting in Central and South America, but from the extension of the European monarchical system in our hemisphere as hostile to our interests.

Monroe, in stating his historic doctrine, announced "as a principle in which the rights and interests of the United States are involved" that "the American continents * * * are henceforth not to be considered as subjects for future colonization by any European power." The future settlers of the remotest corners of this hemisphere were debarred from consenting as colonists to the government of any European power in order that "the rights and interests of the United States" might be protected.

Monroe also declared to the monarchical powers of Europe "that we

should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. * * * It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference."

To protect our own peace, safety and happiness we will permit no extension of the European monarchical system in this hemisphere, whether the particular American people, in respect to whom the question is raised, desire it or not. We refuse to believe that any of our southern brethren could consent to the European political system, and we assume their perpetual non-consent. We will defend them against the world in their right to consent to be governed, provided they consent to be governed only by a republic, as we dictate. Our neighbor may paint his barn any color he pleases, provided it is red. Whether we protect or thwart the South Americans in the matter of their actual consent to be governed, we do so confessedly in order to ward off danger from "our peace and safety."

Mr. Hoar refuses to see in this doctrine, as declared by Monroe, any element of wise and enlightened national selfishness. He discerns nothing but a beautifully disinterested determination on our part that the independent governments to the south of us shall not be governed without their consent. In his opinion it has remained for McKinley to brutalize the doctrine by failing to recognize that it is precisely the same in spirit as the Declaration of Independence, and by acting as if the instinct of republican self-preservation and of defense of our own welfare, our own peace, safety and happiness was the primary motive of the doctrine, and not solely an absolutely unselfish purpose to defend even to the point of war the abstract right of the South Americans to be governed by that form of government, whether republic or monarchy, to which they may consent.

Is it not Monroe, instead of McKinley, who must endure a Hoaresque polished but irrational scolding for "brutalizing" his own doctrine at the outset by imposing limitations upon the consent of the governed in a whole hemisphere and for all time, in order that we, who occupy only a fraction of one continent, may selfishly protect our own peace and safety against an imagined future danger?

THE HOAR DOCTRINE OF CONSENT OF THE GOVERNED.

Senator Hoar not only believes that his interpretation of the "consent of the governed" phrase is all that there is of vital consequence in the Declaration of Independence and the Monroe doctrine, but that the same interpretation has been given to these momentous words by every American President preceding McKinley, and uniformly by "all our statesmen from 1776 to the adoption of the Spanish treaty." He denies that Jefferson departed from this doctrine in annexing Louisiana, or Lincoln in coercing the non-consenting south or that there was any violation of the principle in the annexation of Alaska or any other of our territorial acquisitions.

In his Philippines speech of 1900 Senator Hoar contended that every American territorial acquisition, except the Philippines, had been made

with the distinct constitutional purpose of furnishing land for new states, and that this condoning purpose alone justified the acquisition and government of the non-consenting and the apparent breach of the vital principle of the Declaration of Independence. In response to this contention it was demonstrated that the creation of new states was not the controlling idea, either in the case of Louisiana or Alaska, and Mr. Hoar now apparently abandons this claim and accepts and asserts the facts urged against his original contention. Mr. Hoar now explicitly admits that Louisiana, for instance, was not acquired by Jefferson to furnish land for new states; that he only wanted New Orleans; that the rest of Louisiana was forced upon him by Napoleon, and that he did not think the territory would be inhabited for a thousand years.

Mr. Hoar's present defense of Jefferson against the charge that he too repealed the Declaration of Independence, if McKinley was guilty of that crime, is that "there was no people, in the sense of the law of nations, either in New Orleans or in the Louisiana territory. There was no people there that could make a government or a treaty." The general doctrine, as now stated by Mr. Hoar, is that "if the territory be inhabited by that vital and living being we call a people, as distinct from a few scattered and unorganized inhabitants, neither controlling it nor governing themselves, that people have a right to govern themselves and to determine their own destiny in their own fashion." And he further describes those whose consent is essential as "not every scattering neighborhood or settlement without organic life * * * but the political being we call a people."

Consent of the governed, it appears, is necessary only if the governed are numerous and organized, and Mr. Hoar must say just how numerous and to what extent organized; for he declares that the people of New Orleans at the time of the acquisition of Louisiana were not sufficiently numerous or sufficiently organized to require their consent to be governed, while the Tagalogs of Manila, the Visayans of Iloilo and Cebu and the Moros of Jolo were sufficiently numerous and organized at the time of the Spanish treaty to make government of them without their consent tyranny. We repealed the Declaration of Independence by acquiring sovereignty over the non-consenting natives of Manila, Iloilo, Cebu and Jolo, but did no injury to that document by acquiring sovereignty over the non-consenting inhabitants of New Orleans. It would be interesting to compare the population of New Orleans in 1803 with that of New York and Philadelphia in the same year, and to make a similar comparison between the populations in 1900 of New York and Philadelphia on the one side and of Manila and the other Philippine cities on the other. But no importance is to be attached to mere numbers as a factor in the calculation. Mr. Hoar will not contend that consent is unnecessary to just government simply because the governed are only a few; that it is tyranny to buy from Spain and govern several million non-consenting Filipinos at only \$2.50 per head, but not tyranny to buy and govern a smaller number of non-consenting Louisianans from France, or non-consenting New Mexicans from Mexico, or non-consenting Alaskans from Russia at a larger sum per head. The number of persons to be governed without regard to their character, as savage or civilized, or as educated or ignorant, as experienced or inexperienced in matters of government; and without regard to their relation to one another as organized or unorganized, reciprocally hostile or consolidated

in community of interest, clearly will not determine the question of the applicability of the consent doctrine. As Mr. Hoar indicates, the people whose consent is essential is "that vital and living political being," with organic life, as distinguished from "unorganized inhabitants" of a territory "neither controlling it nor governing themselves." Mr. Hoar's contention is that such a people was not in New Orleans in 1803, and was in Manila, Iloilo, Cebu and Jolo in 1899.

CONSENT OF GOVERNED IN LOUISIANA.

Jefferson purchased a questionable title to Louisiana, merely the right to fight Spain for the colony without French interference; bought a vast territory and unwilling subjects like cattle; prepared a military force to crush them if they should resist; having forcibly annexed Louisiana he governed it tyrannically as the successor of Spanish despotism; then gave this territory, which had a population collected in the southern portions sufficiently large to entitle it to representation in the House of Representatives, a sham civil government whose legislature was appointed by the President; he annexed like a despot, governed like a despot, and like a despot overawed by military force the non-consenting governed. But was he an imperialist? No, says Mr. Hoar. His heart was true to the Declaration of Independence which he had written. He did not consider the governed sufficiently organized. His heart was true to the undying doctrine that governments derive their just powers from the consent of the governed, even while he ignored the lack of this consent in Louisiana, and overawed with the army, navy and militia of the United States these threatened dissenters.

"No matter what you do
If your heart be true.
• • • And his heart was true to Poll!"

The inhabitants of New Orleans and Louisiana did not assent to Jefferson's assumption that their consent to annexation and to their subsequent form of government was unnecessary. Their petitions for redress of grievances place in a clear light Jefferson's imperialism and practical disregard of the Declaration of Independence as construed by Mr. Hoar. In a formal remonstrance against the form of government imposed upon them they asked: "Are the unfortunate inhabitants of these regions the only people who are excluded from those equal rights acknowledged in your Declaration of Independence?"

In the congressional debates the same point was vigorously pressed. "It is urged," said Representative Jackson in 1804, "that we ought to give to these people liberty by degrees. I believe, however, there is no danger of giving them too much of it, and I am unwilling to tarnish the national character by sanctioning the detestable calumny that man is not fitted for freedom. What will the world say if we sanction this principle? They will say we possess the principle of despotism under the garb of republicans. They will tell us that we have emphatically declared to the American people and to the world in our first act evincive of emancipation from the tyranny of England that all men are equal and that all governments derive their rightful power from the consent of the governed, and that notwithstanding when the occasion offers we exercise despotic power under the pretext that the people are unable to govern themselves."

IMPERIALISM IN LOUISIANA AND THE PHILIPPINES.

The imperialistic acts of Jefferson and his disregard under the compulsion of national necessity of certain misconstrued generalities of the Declaration of Independence are not cited as precedents which have been followed by McKinley and Roosevelt. We forcibly substituted our sovereignty in New Orleans for one which the people of that city loved. It is recorded that they wept when our flag went up. They would have fought against us, it was suspected, had they not been terrified into submission by our military preparations. In the Philippines our sovereignty was substituted for one which the Filipinos hated. We came to free them from ecclesiastical and military oppression, to protect them in their labor opportunities of self-support against the invading Chinese, to overthrow the domination of the detested friars, to secure the latter's departure from the archipelago, and to open the vast tracts of rich ecclesiastical lands to the use and enjoyment of the people. We came to give them the things for which avowedly they had been fighting against Spain, the only things which they had been demanding. And in addition we came to give them a degree of individual personal liberty, of protection to life and property, and of enjoyment of progressive self-government of which they had never dreamed. We had a right to assume their consent to a government bestowing these benefits and to expect that they would hail with joy and gratitude the substitution of our sovereignty, instead of weeping like the people of New Orleans or firing upon us like a portion of the non-consenting subjects whom we bought from Mexico.

Mr. Hoar says that the people of the Philippines in 1899, differing from those of New Orleans and Louisiana in 1803, were "that vital * * * political being * * * with organic life" which constitutes a people whose consent to government is essential as distinguished from the "unorganized inhabitants" of a territory, "neither controlling it nor governing themselves." Were the inhabitants of the Philippines in 1899 organized or disorganized? Did they or did they not control the archipelago and govern themselves? Were they that vital political being with organic life which we call a people or a nation, or did they constitute a series of such peoples or nations?

The testimony of competent witnesses is all in one direction. President Schurman, for instance, whose evidence is concededly unbiased by any imperialistic views or tendencies, testifies in the strongest terms to the disorganized condition of the inhabitants of the Philippines in 1899, to the lack of organized control by them of either the archipelago or themselves. There was no harmonious co-operation, and none could reasonably be expected, he says, between Visayans, Tagalogs, Vicols, Ilocanos and the other tribes of Luzon and the Visayan Islands, with "their mutually unintelligible languages, and the isolation in which they lived in consequence of the lack of decent means of communication." The Mahometan tribes in the southern islands—more than a third of the archipelago—had no conception of what consent of the governed means. Nowhere in the archipelago was there a political organization representing the Filipinos. There was no Philippine nation, he testified, and no general public opinion in the Philippines. Not one of the numerous tribes was organized into a people, nor were all the tribes aggregated thus organized. An independent Philippine state did not exist, and was not for reasons stated desirable, possible or desired.

DESPOTS MCKINLEY AND LINCOLN.

In support of his contention that Abraham Lincoln, as well as Thomas Jefferson, interpreted the Declaration of Independence as he did, and invariably acted in accordance with this construction of its meaning, Mr. Hoar makes a further important exception to the rule of the universal applicability of the consent-of-the-governed principle.

"Abraham Lincoln put down the rebellion because by his and our interpretation of the Constitution we were one people and not two—to which doctrine the southern people had consented when they adopted the Constitution; and besides, if you had counted the whole people, white and black, there was never a majority on the side of secession in any single southern state."

There are cases, it appears, where the principle is not applicable even though the individuals invoking it are numerous, thoroughly organized, white, civilized and Christian, completely controlling the territory occupied and claimed by them, intelligently co-operating in the mutual bonds of a close community of interest, and sincerely believing that they have the right to withdraw their consent to be governed, and, under the Declaration on which the original republic was founded, the right to set up a government of their own to which they do consent.

In forcibly holding the southern people within the Union and in overthrowing by arms the organized government which they had established, Mr. Hoar says that we did not violate the principle that government without the consent of the governed is tyranny for two reasons. (1) As Lincoln interpreted the Constitution and as we viewed the matter the northern and southern peoples constituted one people and not two, and the men who lived in the south generations ago had consented to this interpretation and this view when they adopted the Constitution. The government of Abraham Lincoln in 1861 did not require the consent of the southern people in that year, and their non-consent indicated by secession and war was not justified by the Declaration of Independence, because the southern people of 1789, or the men then inhabiting that part of the world, had given their consent to the Lincoln government in adopting the Constitution, and the southern people of 1861 had thus consented through their predecessors and sponsors even before they were born. Thus the consent of the individual or of the section is unnecessary, and under some conditions the present consent of the whole of an existing generation of people may be dispensed with, their consent having been given by proxy a century ago. The consent of the governed is unnecessary if the governor so interprets the organic law as to render it unnecessary. It suffices that Lincoln thus interpreted the Constitution. The interpretation of the non-consenting and rebellious is immaterial. (2) Not only was there no people in the south to consent, and not only had this people consented by proxy a century ago, but its actual present consent was unnecessary because we assumed it. We guessed that if all men, black and white, had their say the south would not be found non-consenting. Of course, in reaching this conclusion we assumed that the blacks would have voted intelligently in the line of their real interests and would not have been at all influenced in voting by their white neighbors who had for generations done their thinking for them and controlled them both by brains and force. Having assumed that the blacks have voted and that their votes have been counted, and that they have voted in a particular way, we assume the south to consent, though great armies in the name of the south have questioned

the accuracy of our assumption. It thus appears that the men governing may dispense with the consent of the governed by a guess at the facts as well as by a guess at the law, and that the contentions of the governed, either in interpreting the law or guessing at the facts, have practically nothing to do with the case.

CONSTITUTION VS. DECLARATION OF INDEPENDENCE.

The vital limitation upon the practical application of Mr. Hoar's consent-of-the-governed principle is suggested by him in dealing with the non-consenting south. The Declaration of Independence must not be so construed as to overthrow or nullify the Constitution of the United States. The Declaration cannot make the government a confessed tyranny in cases where the Constitution makes rebels of the non-consenting governed.

The obligation of the American in case of an apparent or alleged conflict between the injunctions of these documents, stating fundamental republican principles, has been already discussed. (See chapter XVII.) When a people are in armed revolt against some government which they find in specified particulars oppressive and unbearable, the Declaration of Independence is their justification to the world. When the revolt succeeds and another nation develops upon this foundation the people enter into new relations with one another and with the world, expressed in constitution, laws and treaties. The principles and obligations declared in these instruments take precedence of the Declaration of Independence in the new stage of national existence. Every citizen owes allegiance and loyal obedience and support to the government of his country. If he withholds this loyalty and forcibly resists he becomes a traitor in the eyes of his fellow-citizens and of the nation. He cannot in defense of his crime quote to his own government the Declaration of Independence against the commands of the constitution and laws and his oath of allegiance. And in the same line, the loyal citizen in dealing with men living on national territory who are resisting national authority reads to them the riot act and not the Declaration of Independence. Any other course would make of the Declaration a vindication of secession, rebellion and treason. No stable government can be built upon the doctrine of the inalienable right of the governed to secede from it at pleasure by withholding individual consent. A disintegrating principle is introduced, a widening crack develops in the foundation, and the structure inevitably falls.

The Spanish treaty extended the sovereignty of the United States as completely over the Philippines as the French treaty extended it over Louisiana, or the Mexican treaty over New Mexico, or the Russian treaty over Alaska, or the Constitution over the southern states. Forcible resistance to that sovereignty was on the same footing in Luzon as in New Mexico or South Carolina.

The United States, though it was established through a rebellion against British authority, has never on that account encouraged or yielded to rebellion against its own authority, whether the revolt took the shape of riots within states or the secession of states or outbreaks in non-consenting territory belonging to the United States. National self-preservation and maintenance of the national authority have been in every instance the guiding principles.

A VINDICATION OF SECESSION AND REBELLION.

Senator Hoar has not a monopoly of appeal to the Declaration of Independence in his championship of the Filipino insurrection. Louisiana peaceably invoked it in petitions; the southern confederacy based upon it a claim of rightful armed resistance. The president of the confederate states of America in his inaugural address declared that these states in seceding "merely asserted a right which the Declaration of Independence of 1776 had defined to be inalienable." South Carolina's declaration of independence utilized the principles of the original document. During the civil war Representative Alexander Long of Ohio denounced in Congress the imperialistic attempt to force the seceding states back into the Union by coercion, and inquired: "If we cannot rise above the Austro-Russian principle of holding subject provinces by the power of force and coercion, what becomes of the Declaration of Independence?" Horace Greeley said in the Tribune in December, 1860: "If it (the Declaration of Independence) justified the secession of three millions of colonists in 1776, we do not see why it would not justify the secession of five millions of southerners from the federal Union in 1861."

And many anti-imperialists do not see why on the same principle it would not justify the secession of several hundred thousands of Tagalogs in 1899.

It follows from this train of reasoning that the Declaration of Independence vindicates the non-consenting and rebellious Filipinos of 1899-1902, only to the same extent that it absolves the non-consenting and rebellious southerners of the sixties and the non-consenting and rebellious New Mexicans of the forties. And in all three cases in exact proportion as the Declaration of Independence is exalted the Constitution is nullified and destroyed.

CHAPTER XXIV

THE FILIPINO'S BENEFACTOR

America is Not His Subjugator and Enslaver, but His Emancipator—Uncharitable Pessimism—Which on the Same Proof Acquits Jefferson and Lincoln and Convicts McKinley—Senator Hoar Uselessly Belabors His Hideous, Artificial Soldan, the Spanish Treaty as His Imagination Conceives It.

The exceptions which Senator Hoar admits to his consent-of-the-governed principle in order to acquit Jefferson and Lincoln of the crime of repealing the Declaration of Independence also acquit McKinley and Roosevelt. Jefferson was guiltless because he did not regard the people of New Orleans and Louisiana as an organized people in the sense of the law of nations. McKinley and Roosevelt are guiltless because they have not regarded any one of the Filipino tribes, or all combined, as an organized people in the sense of the law of nations. And the facts develop a much stronger showing of organized fitness on the part of the people of New Orleans than on the part of any of the Filipino tribes, islands, provinces or cities. Savagery, ignorance, experience only of despotic oppression, hamper the latter. Ten per cent of intelligence represent the highest estimate of the best of the tribes.

Lincoln was guiltless of destroying the Declaration of Independence and, incidentally, of brutalizing the Monroe doctrine, because, as he interpreted the organic law and decided issues of fact, there was not in the south a distinct people whose consent was necessary; that consent had been given by the predecessors and sponsors of the southern people a century ago, and that consent being assumed, it was not, in fact, withdrawn, only a minority of the governed indicating (in Lincoln's opinion) their non-consent. McKinley and Roosevelt are likewise guiltless because as they have interpreted the Constitution and treaties of the United States, and decided questions of fact, there was not and is not now in any or all of the Philippine Islands a distinct organized people meeting Mr. Hoar's requirement of fitness to make a government or a treaty, or fitness to control the other Filipino tribes, or to govern itself, whose consent could be or should be secured. Moreover, the consent of the Filipinos was, in the opinion of McKinley and Roosevelt, to be assumed to a change of government unquestionably beneficial, since in making the Spanish treaty and in governing under it they were lifting from the Filipinos the heavy and oppressive burdens of Spanish military and ecclesiastical tyranny under which they had long suffered, and were substituting for a harsh despotism a considerate political guardianship which assured to the individual Filipino a degree of personal liberty, of protection to life and property and of material prosperity far beyond his highest anticipation. And, finally, McKinley and Roosevelt, having thus reasonably assumed Filipino consent, have never regarded that consent as withdrawn, the forcibly non-consenting being only a portion of a single Filipino tribe, confined largely to a single island, a minor and diminishing fraction of the entire population of the archipelago. In the case of the Filipinos, as in that of the southern people, their consent was unnecessary, it has been (by assumption) given, and it has not (in fact) been withdrawn.

But quibbling and hair-splitting and word manipulation are unnecessary to acquit Lincoln, or McKinley, or Roosevelt. All three plant themselves on the Constitution of the United States, and if the Declaration of Independence, as construed and applied by Mr. Hoar, assails them there, so much the worse for the misconstrued and misapplied Declaration of Independence.

In the opinion of McKinley and Roosevelt the sovereignty of the United States was and is over the Philippines as it was and is over Louisiana, New Mexico, Alaska and South Carolina. Resistance to that sovereignty anywhere within the jurisdiction of the United States is treason under the Constitution instead of patriotic resistance against tyranny under the Declaration of Independence.

The effect of the contrary doctrine is to condone and encourage treasonable insurrection, and to raise the abstractions of a misconstrued Declaration of Independence above the Constitution, treaties and laws of the land, above the dictates of love of country, and above the instinct of national self-preservation.

Hoar may not agree with McKinley's and Roosevelt's interpretations of the laws or guesses at the facts. But the people of Louisiana did not agree with Jefferson, or the southern people with Lincoln in these respects. If Jefferson and Lincoln may be acquitted on their own interpretations of the law and their own opinions in matters of fact, why may not McKinley and Roosevelt enjoy the same privilege and exercise the same right?

UNCHARITABLE DISCRIMINATION AGAINST AMERICANS OF TODAY.

Hoar asserts in the cases of Jefferson, Polk and Lincoln the right and power of the ruler to decide whether the legal or actual conditions are such as to require the consent of the governed in order to avoid conviction of tyranny, as, for instance, to say whether the persons to be governed are sufficiently numerous, or sufficiently organized, or whether a majority of the persons to be governed in fact withhold their consent, or whether those to be governed have not already, through their sponsors or predecessors, or in some other way, expressly or impliedly, given their consent, which under the organic law they cannot forcibly withdraw; in short, to say whether in a given case the Declaration of Independence or the Constitution is to dominate, whether the former makes a despot of the President and a tyranny of the government, or the latter makes rebels of the forcibly resisting non-consenting governed.

Hoar denies this right and power to McKinley alone of all the Presidents, and for interpreting and thinking and acting as Jefferson and Lincoln did brands him as a destroyer of republics, a subjugator of free peoples, a wretch who has overthrown the Declaration of Independence and undermined the republic's foundations.

In the apparent American infringements of the rule that government of the non-consenting is tyranny from the time of Jefferson to that of Lincoln, Hoar discovers everywhere some exculpatory motive, some condoning opinion or interpretation. But in McKinley's dealing with the Filipinos nothing is discernible but the despot's deliberate and cruel purpose to make subjects of a free people, to work upon them his tyrannous will, to slay a republic as something hateful, to crush the aspirations of the helpless for liberty, to overturn the traditions of the gov-

ernment, to repeal its fundamental principles, to tear up the instrument upon which the republic was founded, to brutalize the doctrine by which it has been defended against European encroachment and by despotic disregard of human rights in Asia to prepare for the overthrow of American liberties at home.

To be sure, Hoar disclaims belief that the man or men who have planned and committed these wicked acts are themselves wicked or even foolish. But of what avail is this disclaimer of the use of words in anything but a *Pickwickian* sense when coupled with a scathing indictment upon which conviction is demanded?

Hoar's uncharitable pessimism in passing upon the acts and motives of his countrymen of today is in vivid contrast with his eager and blind defense of statesmen of the past in those imperialistic acts excused only by national necessity which American history records.

FILIPINOS NOT A NATION.

Hoar's charge that the American government has become for the first time in its history a brutal despotism to be rightfully resisted is based upon the erroneous assumption that the Filipinos, either at the time of the Spanish treaty or since, have constituted the distinct, vital, organized being we call a people, an independent nation, a free republic. Schurman's conclusive testimony destroying this assumption has already been quoted. There is no evidence on the other side. Even the Filipinos, including those friendly to the insurgents, who appeared before the Schurman commission, testified to a lack among Filipinos of fitness and desire for speedy self-government, and disclosed conditions which were absolutely destructive of the theory that we were subduing an independent, organized people or nation demanding liberty.

"While the peoples of the Philippine Islands ardently desire a full measure of rights and liberties they do not, in the opinion of the Commission, generally desire independence. Hundreds of witnesses testified on this subject to the Commission and its individual members, and though they represented all possible varieties of opinion—many of them being in sympathy with the insurgents—they were uniform in their testimony that in view of the ignorance and political inexperience of the masses of the people, the multiplicity of languages, the divergencies of culture and mode of life, and the obstacles to intercommunication, an independent sovereign Philippine state was at the present time neither possible nor desirable, even if its poverty and internal weakness and lack of coherence would not invite, and the dissatisfaction of aliens entail, the intervention of foreign powers with the inevitable result of the division of the archipelago among them and the disappearance forever of the dream and hope of a united and self-governing Philippine commonwealth."

Schurman refers to the so-called Philippine republic as almost altogether Tagalog in makeup, not representing the inhabitants even of the Christianized Philippines, as lacking "extensive jurisdiction except in ink and paper," and as deprived of "even its literary existence" in the spring of 1899 when it was murdered by General Luna. "In America, indeed, honest and patriotic but sadly misinformed citizens (like Senator Hoar) still talked of the new republic of the orient and that youthful father of his country, Emilio Aguinaldo. But the cold fact is that since those tragic happenings in the province of Nueva Ecija in the month of May, 1899, there has not been even the semblance of a Philippine republic." And it was destroyed, according to Schurman, not by the despot McKinley, but by the Filipino Luna, who was influenced not by patriotism, but "the lust of military power and oppression" and "the spirit of robbery and brigandage."

Schurman demonstrates conclusively that the Filipinos were not in 1899 the distinct political being with organic life called a people, or

nation, filled with the desire of and fit for independence. And he destroys the foundation of Hoar's Philippine philippics.

To be sure, Schurman is of the opinion today that the nation which, he demonstrates, did not exist in 1899 has come into being in 1902, through the welding influence of war, but his witness (Chaffee) to the alleged changed conditions which justify his altered conclusion, when called to the stand, testifies against him.

Hoar is mistaken in his premises; Schurman in his conclusions. Hoar reasons logically on incorrect assumptions of fact; Schurman reasons erroneously, though his personal testimony of observed facts is thoroughly reliable. Schurman as a witness disposes of Hoar's reasoning; and Schurman's witness (Chaffee), aided by Schurman's own evidence, disposes of Schurman's reasoning.

EMANCIPATOR AND BENEFACTOR, NOT ENSLAYER.

The assumption of Mr. Hoar and other anti-imperialists that only brutality, tyranny and virtual treason toward republican traditions have characterized the administration's Philippine policy, and that they monopolize all the patriotism, all the devotion to American principles, and all the humane consideration for the downtrodden Filipinos is baseless as well as presumptuous.

At every stage of its dealings with the interests of the Filipinos the republic has conserved their welfare, through the executive department in the Spanish treaty, through the judicial department in the decision of the insular cases, and through the legislative department in the wise and beneficial measures of the Fifty-seventh Congress.

It is a slander to accuse the United States of crushing "the only republic in Asia," of baffling "the aspirations of a people for liberty" and of overthrowing "the independence of a weaker nation in another hemisphere." There was no republic there to be crushed, no aspirations for liberty to be baffled, no independent nation to be overthrown.

What the United States has done, in fact, is to free a disorganized Malay population of discordant tribes from the despotic rule first of the Spanish friars and then of the Filipino brigands whose domination has been based on the terrorism of systematic murder by banded assassins. It has not cursed these diverse peoples with a substituted despotism, but it has, through bestowal of the blessing of American control, influence and development during a preparatory period, given them their only hope, not merely of material prosperity, but of genuine personal liberty, true nationality and real self-government.

What should we have done to avoid Senator Hoar's strictly Pickwickian curse upon the crime of '99, the national infamy which has now displaced the crime of '73 in political discussion?

Should we in the Spanish treaty have turned the archipelago back to Spain to be harried into submission by the Spanish Cuban army, or to be handed over to the tender mercies of the Germans, the fate which the intelligent Filipinos most dreaded?

Should we have left it as derelict to be scrambled for and probably fought over by jealous and aspiring nations? Should we have remitted it to "anarchy and chaos" and to the intervention of European powers, "with the inevitable result," as Schurman says, "of the division of the archipelago among them, and the disappearance forever of the dream and hope of a united and self-governing Philippine commonwealth"?

Should we have freed the Filipinos from Spanish tyranny only to turn them non-consenting over to the despotism of Aguinaldo or Luna?

Should we subject the numerous Filipino peoples or tribes, varying widely in conditions, in language and in customs, to the arbitrary domination of a fraction of a single tribe, the Tagalogs, and defend the act as in the interest of liberty and self-government?

Would the domination of "banded assassins," whose rule is a reign of terror, sustained by the burial alive or burning at the stake of countless non-consenting governed, be an improvement on Spanish rule, for which we could proudly make ourselves responsible, and which we could present to the world as vindicating the Declaration of Independence, the Constitution and the Ten Commandments?

Our acceptance of responsibility for the archipelago in approving the Spanish treaty has given the Filipinos their only chance of progressive self-government. Our labors in the islands since that date have steadily tended to make the Filipinos better fitted for self-government. Governor Taft regretfully states that practically all the benefits of our intervention have up to this time been enjoyed by the Filipinos, a statement of national sacrifice for the Filipino welfare over which Mr. Hoar, strangely enough, seems inclined to gloat.

Our Supreme Court has rendered a series of decisions which will enable the republic to give to the Filipinos the self-government of an independent republic, if when they are fitted for it they desire it, and the people of the United States are unwilling to confer statehood.

The Congress of the United States has recently enacted the wisest and most considerate legislation for these wards of the nation, freeing them from the causes of revolt against Spain, satisfying every demand made by them upon that power in their revolts, blessing them with the institutions of civilization which promote prosperity, assuring them of personal liberty under the Constitution of the United States, guaranteeing to them protection of life and property and pushing and persuading them along the path of progressive self-government.

The shame and reproach in Philippine affairs are not for the statesmen who, burdened with heavy responsibilities, and opposed by formidable obstacles, have been struggling to cause the national policy to be worthy of the republic, promoting both American and Filipino welfare; but for the unpatriotic irresponsibles who exult over every national misfortune or blunder and over every alleged national misdemeanor; who, discovering some scattering offenders against the laws of war who escaped punishment while in the Philippines, with their cases as a precedent encourage an outpouring upon the American army of the spiteful venom of every malicious malcontent; who declare to the world that never since Nero was there such a despot as McKinley, unless it is Roosevelt; that never were aspirations for liberty so cruelly baffled as in the Philippines, never were freemen and an independent nation more brutally crushed, never was a war of subjugation more ruthlessly waged, never has history disclosed more heartless fiends than American soldiers, never have the foundations of republican government been so threatened and shocked, and never has virtual treason set the republican structure so perilously tottering!

And how gratifyingly much this cruel war of subjugation has cost the republic, and how many lives have been wasted and intellects

wrecked, and how few the benefits derived by Americans in comparison with those bestowed up to this time upon the Filipinos!

How enthusiastically these exultant patriots undertake the task of demonstrating that the dominant American statesmen of today are tyrants, that the American soldiers are beasts, and that the republic itself has destroyed the great principles upon which it is founded, and is now inspired only by the remorseless selfishness of unlimited despotism!

The republic is not the subjugator and enslaver of the Filipinos, but their benefactor and emancipator. The enemies of the Filipinos as a people are not the American soldier and civilian official and not the "imperialist" statesmen, but the native "banded assassins," who, as General Chaffee says, lacking patriotism use the pretext of resistance to American sovereignty to rob and murder with impunity their helpless countrymen. The Filipinos who, in the name of patriotism and independence, bury alive or burn at the stake their own people, and the Americans who, in the name of liberty and independence, encourage the Filipino assassins and calumniate and vilify their own countrymen—these are the worst enemies of both Filipinos and Americans.

The proud record in anti-imperialism of imperial America does not stop short when it reaches the Philippines. Republican imperialism personified is represented in another chapter as saying:

"I freed nearly four million slaves; I prevented the creation of a southern empire and saved to republicanism and from imperialism the southern states; I expelled French imperialism from Mexico; I effected the withdrawal of Russian imperialism from Alaska; I ejected Spanish colonial imperialism from both hemispheres; I substituted a republic for a corrupt monarchy in Hawaii; I freed the Cubans from a most oppressive and destructive form of imperialism, and have enabled them to enjoy in lieu thereof self-government, republican in form; I freed the Porto Ricans from Spain's imperialism, and have sent them rejoicing far along the path which leads to American self-government."

To which must be added:

"I freed the Filipinos from the unbearable imperialism of oppressive, cruel Spain. I have saved them from the imperialistic rule of German blood-and-iron militarism, from domestic anarchy and chaos, and from the despotism and reign of terror of native "banded assassins;" I am giving to the individual Filipinos personal liberty, protection of life and property, the substantial personal rights guaranteed by the constitutional amendments; I am redressing the ancient grievances of the people, bringing them material prosperity, protecting them in possession of the land and labor opportunities of the islands, fitting them steadily and inspiring them with increasing desire for genuine self-government, with which I would long ago have blessed them in vastly enlarged measure but for an unnatural and hateful warfare precipitated under a misunderstanding of the American intention by the Filipinos themselves."

Why should not Senator Hoar, with his lofty conception of the Filipino's attainments and capacities, apply himself to aid in this task of development, of uplifting and enlightenment? Why does he neglect the practical Philippine problem of the present, whose wise solution means so much to every Filipino, in order, like Oliver Proudfoot with his wooden Soldan, uselessly to belabor the hideous effigy of the Spanish treaty as he conceives it?

CHAPTER XXV

A PARAMOUNT ISSUE

Shall We Promise Future Independence as a Separate Nation to the Filipinos?—Acts Not Promises—Let Us Bestow at Once Material Prosperity, Personal Liberty and Increasing Self-Government—Promises Will Not Promote Peace, but Will Encourage Hostilities and Will Postpone and Embarrass Stable Government.

The issue between the opposing schools of thought concerning the Philippines was never more distinctly drawn than during the long session of the Fifty-seventh Congress, in the year 1902. The democratic party revived, and urged as its policy, the anti-imperialism declaration of the Kansas City platform, and showed an unmistakable disposition to make anti-imperialism a prominent issue in the approaching congressional elections and in the presidential campaign of 1904.

The administration proceeded on the assumption that American sovereign control of the Philippines is an accomplished fact, and that the problem of today is not whether or when we shall abandon the Philippines, but how we shall govern them to promote most effectively American and Filipino interests and to prepare the Filipinos most thoroughly for a steadily increasing participation in self-government. The idea of independent instead of American self-government for some portion of the archipelago at a future date has not been permanently negatived, but its consideration has been for the present postponed as untimely and injurious. On this theory practical legislation of broad scope was proposed for the archipelago which embodied, with some slight modifications, the most important of the Philippine commission's carefully considered recommendations. In the Senate bill Congress was asked, for example, when a condition of general and complete peace had been established in the islands, to authorize a census of the Christian provinces in order to lay the foundations for the election of a popular assembly to participate with the commission in insular self-government. The House proposition, which was accepted in part in conference, went farther than that of the Senate, and authorized the popular assembly toward which the census pointed. (See Philippine civil government bill in appendix.) Congress was also urged to authorize the issuance of bonds to buy the friars' land; to grant appeals to the Supreme Court of the United States from the Philippine supreme court in the friars' land cases and other specified litigations; to provide for the construction of army posts outside of the towns, to authorize the issuance of \$4,000,000 of bonds to make needed improvements in the water supply and sewerage and drainage systems of Manila; to enact a coinage law and a general banking law for the islands; to give authority to the commission to grant street railway and other municipal franchises in the towns; to pass a public land law; to regulate the cutting of timber; to pass a mining law and a general incorporation law, and to issue charters to commercial railroads.

On the one side was this sweeping, practical program of constructive legislation based upon the principle that the present requirements of Filipino and American welfare must be promptly and wisely met, leaving the future problems which will develop from changed conditions to be

answered as they arise. On the other side was the do-nothing proposition, promising independence to the Filipinos and pointing to American abandonment of the archipelago.

The anti-imperialist program, recently indorsed as vital democratic policy, proposes for the Filipinos: (1) Stable government with the immediate promise of speedy independence. The United States is to remain until the Filipinos have formed a stable government and until sufficient guarantees have been obtained for the performance of our treaty obligations with Spain and for the safety of those inhabitants who have adhered to the United States; (2) independence, possibly modified by an American protectorate.

The administration or "imperialist" program proposes for the Filipinos: (1) Peace and stable government; (2) after stable government has been established the question of future relations to be determined by conditions then existing and the wishes of the American and Filipino peoples. At that time the desires of the federal party of today may prevail and the Filipinos generally may wish statehood in the American Union. This privilege the American people may be unwilling to grant and may insist upon cutting loose from the Asiatic race whom they have taught to stand alone. But why, the imperialists ask, announce what will then be done an indefinite period in advance of the time when the decision must be reached? The conditions which will control that decision are now unknown.

There is evidently a distinct issue between the two sides over the question of promises to the Filipinos.

AGREEMENTS AND DIFFERENCES.

Further analysis of the opposing propositions on the imperialism issue shows that both sides agree upon the establishment in the first place of stable government. (1) The so-called imperialist views the Filipinos as in the appurtenant territorial stage of the American kindergarten—to be graduated either into a higher stage of the American system or transferred to some other educational system for which development proves them to be better fitted or expelled as incorrigible and thrust into the outer darkness. In this stage of instruction progressive lessons in self-government and in stable government are conspicuous and characteristic features. Peace, prosperity and material and political development are the ends sought. (2) The so-called anti-imperialists who favor the institution of stable government as the first step do not differ materially from the practical propositions of this program, but lay stress upon what under their theory is to follow. Acting in accordance with their advice the Filipinos would keep their eyes so fixed on the distant star of independence that, like the philosopher in the fable, they would be in danger of falling into the well directly at their feet.

There are differences of opinion among anti-imperialists (a) as to the length of this preliminary period of stable government; (b) as to the party, the Filipinos or Americans, who shall control during this preliminary stage, and who shall determine when it is wisely ended.

The imperialists, of course, view the Americans as burdened during this period with the obligations and responsibilities of full control, including the duty of deciding when it is ended. Some anti-imperialists agree with them, and seek merely to shorten that period by appealing to their fellow-countrymen. Others think that the decision is properly

with the Filipinos themselves, that owing to the absence of consent of the governed under the other system the Filipinos should nominally at least at all times govern themselves; and that a representative assembly of Filipinos collected as soon as possible should determine all points affecting Filipino interests, including that of their form of government, and of the date when they should assume full self-government or independence.

This difference of view concerning the proper construction of the words "consent of the governed" is radical and irreconcilable. It is a distinct cause of dissension in the anti-imperialist ranks. The party of "scuttle," that which gives full force and literal effect to the words "consent of the governed," thinks we never had any business in the Philippines, and should get out at once, as confessed savages and barbarous despots. The advocates of "scuttle" scoff at the protectorate suggestion of the other branch of anti-imperialists. They denounce government by protectorate as un-American and unconstitutional, never contemplated by the forefathers, as historically the preliminary process in the operation by which a monarchical power absorbs an independent municipality, as a strife-breeding, war-provoking arrangement, involving the United States in entangling foreign complications and as burdening the public with heavy responsibilities, and at the same time denying it the power and the control necessary to meet them. They pronounce delusive the independence promised the Filipinos which is sandwiched between a preface of stable government and the postscript of a protectorate; an independence which is to be delayed indefinitely during the unlimited period of establishing a stable government and modified indefinitely, if it ever arrives, by a new sovereignty-dividing protectorate. They insist that instead of devising any special form of government for the Philippines, whether a protectorate, stable government or otherwise, the United States should immediately grant them full independence, leaving them free to determine for themselves the form of government most pleasing to them.

SHADES OF ANTI-IMPERIALISTIC OPINION.

The divergences of view among the anti-imperialists are curiously illustrated in the various positions assumed from time to time by Jacob G. Schurman, president of Cornell University and of the first Philippine commission, whose Cornell University address is reviewed in a preceding chapter.

In 1899 Schurman, as the result of personal study and observation of the Filipinos and the Philippines, favored a long period of preparatory stable government, its length to be determined by the United States. In 1902 Schurman, on the basis of his misunderstanding or perversion of the statements of General Chaffee, favors a curtailing, practically to the point of elimination, of this preparatory government, and remits to the Filipinos themselves the power of decision as to the length of the probative period.

The theory of those anti-imperialists who believe that the Filipinos were an independent nation at the time of the signing of the Spanish treaty, and have been ever since, except to the extent to which their liberties have been destroyed by our despotic power, has been forcibly stated in Senator Hoar's speech discussed in the preceding chapter. These men logically do not believe in the provision of any preparatory stable

government for an existing independent people and nation, or in the establishment of a sovereignty-dividing American protectorate in respect to such a nation.

Schurman's testimony concerning conditions in the Philippines in 1899, which he has never in the slightest degree retracted, absolutely demolishes the theory of the existence in that and the preceding year of an independent Filipino nation, of an organized people desirous of and fit for independent self-government. He also ably attacks and overthrows the suggestion supported by so many anti-imperialists of an American protectorate of the Philippines. His argument on this point has the convincing force of a demonstration.

But while the anti-imperialists thus differ radically among themselves concerning the length of a preparatory stable government, and the proper party to announce its termination; while they do not agree either as to the wisdom of an American protectorate over the Philippines or its character, if one is to be established; while there is diversity of opinion among them as to whether the Filipinos were an independent people or nation either in 1899 or in 1902, and while they are not a unit in the view that the United States in its treatment of the Philippines has repealed the Declaration of Independence, they do seem to come together, though by different paths, on the proposition that the American government should immediately promise the Filipinos future independence.

By the agreement of imperialists and a considerable fraction of the anti-imperialists the Filipinos are not at this day a nation or organized people fitted for and desirous of immediate independence. Such independence is not made a present political issue between the parties. Is it wise under these circumstances to tender to the Filipinos a definite national pledge of future independence?

INEFFICACY AND INJURY OF A POLICY OF PROMISES.

The imperialists propose for the immediate present a probative period to bring peace to the archipelago, to remove as far as possible the causes of war, and to develop the material resources of the islands and the capacities of the Filipinos for self-support and intelligent self-government. Many anti-imperialists urge independence after a period of probation. The federal party in the Philippines, strong in numbers and influence and well organized, declares for admission to statehood after a period of probation. Nearly everybody thus agrees upon the wisdom and necessity of a period of probation. Why should we in advance place a limit upon the term of this period and announce arbitrarily the form of government which is to follow? Why should we in attempting to pacify the island peremptorily negative the aspirations of the federal party, the most effective native element of pacification, by a legislative edict that no matter how long a probative period may be proposed, and no matter how much of development may be accomplished in it, no consideration will ever be given to the appeal for the admission of the Philippines to the United States?

Why should not we take up and solve the practical questions that confront us, leaving the length of the preparatory period and the political conditions which are to follow to be determined by conferences between the developed Filipinos of the future, and the Americans, enlightened as to things Philippine and oriental by observation and experience? Those

of us who think that this period of probation will be unending and that the Filipinos will never develop into full-fledged Americans; and those of us who think that after a short period independence will follow; and those of us who expect that in the course of time, perhaps after a long delay, the Philippines may be admitted to American statehood, should be able all to agree upon a common, practical policy of wise immediate legislation for the Philippines, meeting present needs and redressing present grievances.

Senator Hoar lays great stress on the efficacy of promises as a panacea of Philippine woes. After he has convicted the American republic to his own satisfaction of ruthlessly destroying Filipino independence and of incidentally violating every sound political and moral principle, he mildly reproaches this brutal culprit for not telling his Filipino subjects and slaves what he is going to do to them, whether or not he is going to deprive them of that independence which he has already, according to Mr. Hoar, overthrown and demolished. "Tell them," he says, "what you want of them and what you are going to do to them. Promise! Promise! And the war will at once cease!"

The promise of future independence after an indefinite probative period of formation of a stable government would not disarm a single Filipino lurking as a bandit in the woods or mountains. Such promises are accepted on the Spanish precedents as symptoms of present weakness and as indicative of a plot to deceive, eking out the lion's skin with the fox's. The practical effect of such promises is to encourage resistance to the United States on the theory that it is about to abandon the islands. They put a premium upon the terrorizing of the well-disposed Filipinos by the bandits and check the growing tendency of the peaceable Filipinos to co-operate in pacification, since their dread of exposure to the insurrecto assassins after American abandonment is revived. They keep political and industrial conditions unsettled, delay the institution of the stable government which is a condition precedent of independence even with the anti-imperialists, and thus postpone practically the very independence which has been promised.

If it is right to attempt to establish "a stable government" among the Filipinos, upon which both imperialists and anti-imperialists seem to agree, the stability of that government should not be impaired by resistance-provoking promises concerning an independence which may follow such stable government.

If it is right to promise future independence to the Filipinos there is no ground upon which it can be withheld from them logically today. If we have no right to govern them without their consent we have no right to impose a stable government upon them without their consent. If they are entitled to independence at some time in the future, so that it must be promised, they are entitled, if they wish it, to that independence now. This right is not at all dependent upon our idea of their fitness to receive it. By what authority do we impose upon them a stable government, if they prefer an unstable government; a government republican in form if they prefer a despotic dictatorship? If their national aspiration is to expel or destroy the friars, to confiscate their alleged property and to massacre the Chinese, by what authority do we check or delay them?

Suppose that we say to the Filipinos under arms: "Your desperate resistance to our government indicates that you do not consent to it.

Cease this resistance, for we promise you independence at an indefinite date in the future, inasmuch as we believe that we have no right to govern you without your consent."

Would not the armed Filipinos say: "If you have no right to govern us without our consent, you have no right to require our consent to your stable government, even though it is suggested that it will be only temporary. Since our non-consent is indicated by our hostilities, it will be logical for us to continue fighting, and to insist at this very moment upon the independence which, you say, is the logical and inevitable result of our non-consent. Our non-consent is of the present; the independence should be of the present. We have heard promises before, when the Spaniards were here. We will not barter for promises the rifles which you say demonstrate our non-consent and entitle us to independence."

The reading of the Declaration of Independence to the Filipinos and the making of promises of independence based on it are untimely.

DISTURBING EFFECT OF INDEPENDENCE-PROMISING POLICY.

Concerning the disturbing effect of a definite pledge of future independence, Governor Taft says (*Outlook*, May, 1902):

"A promise to give to the people independence when they are fitted for it would inevitably be accepted by the agitators and generally by the people as a promise to give them independence within the present generation and would therefore be misleading and the source of bitter criticism of the American government within a few years after the promise was given and not performed as it was understood by the people. A promise of independence thus interpreted would destroy the possibility of a stable government in which the people should be learning what self-government is, because the conservative element, with the assumed early prospect of complete independence, would fear that when the islands were abandoned the violent agitators would come to the front, and those assisting the present government would be subjected to the hostility of the demagogues on the ground of their previous American sympathies."

Such promises, given at this time with the idea suggested by Mr. Hoar of stopping hostilities, would be addressed to those whom General Chaffee characterizes as "banded assassins" of their fellow-countrymen, and whom Schurman denounces as selfish bandits lacking patriotism, inspired by a spirit of brigandage and lust of military power. A national pledge of independent power addressed to them would be viewed as a surrender to them of the right, unchecked, to pillage and slay their own peaceably disposed people. This promise would be a betrayal of the latter by us to the tender mercies of those who threaten them with burial alive or burning at the stake.

Thus such a promise would be ineffective to promote peace. On the contrary it would encourage armed resistance; postpone and embarrass the formation of a stable government; endanger its continued stability when formed; and as a betrayal to torture and death of those who have been friendly to us, it would furnish a discreditable and humiliating chapter in American annals.

AN INSTRUCTIVE FILIPINO PRECEDENT.

Promises are discredited as legal tender especially in the Philippines. The history of the archipelago is full of Spanish promises unfulfilled. If there is one lesson distinctly taught by our Philippine experiences it is that of the utter inefficacy of a policy of conciliating assurances to bring universal peace to the archipelago. The first Philippine commission undertook authoritatively to tell the Filipinos for the United States what the republic "wanted of them, and intended to do to them." That com-

mission started for the Philippines before the ratification of the Paris treaty and arrived there very soon after that event, and after the setting up of the Tagalog dictatorship called the Philippine republic, and the hostile collision between the Americans and the Tagalogs. President Schurman of that commission testifies that "McKinley's motive in compelling Spain to cede to the United States her sovereignty over the Philippine Islands was the humanitarian object of liberating the Filipinos from misgovernment and oppression," and that he was sent to Asia to give practical effect to that purpose.

"We soon discovered," he says, "that the insurgents grossly misconceived the intentions of the United States." "We endeavored to commend to those suspicious brown men a policy of liberty and home rule under American sovereignty." "Having convinced the leading Filipinos in Manila of the humane and beneficial intentions of our government, having satisfied them that American sovereignty was only another name for the liberty of Filipinos, we set in motion through their agency currents of good will, amity and reconciliation which * * * reached even to the well-guarded camps of the insurgents in arms." "We assured them that on their recognition of American sovereignty we should consult them regarding the future government of the archipelago which we were sure the United States would make as free, liberal and democratic as the most intelligent Filipino desired; * * * an assurance of justice, liberty and self-government under the American flag which contrasted strongly with the spoliation and despotism which the insurgent government already practiced." "When the proclamation of our commission reached the insurgent ranks the leaders perceived that under American sovereignty they would enjoy greater liberties than they had ever dreamed of under Spanish rule and if not a nominal independence at least a firmer and surer self-government than their own Philippine republic could ever guarantee." "This policy (of peace and recognition of American sovereignty) was adopted by the congress of the Philippine republic by a vote almost unanimous. President Aguinaldo concurred * * * But what the congress, cabinet and president of the Philippine republic so unanimously resolved, Luna, the general commanding their army, as completely frustrated. He arrested the (peace) delegates who had been so solemnly authorized by congress, cabinet and president to proceed to Manila, accused them of treason, and sentenced some to imprisonment and others to death." "Luna himself was assassinated in the following month by adherents of Aguinaldo. Following the law of self-preservation, Aguinaldo immediately took Luna's place as general in active command of the forces." "The insurgents still in arms were ready to sacrifice everything to their own selfish ambition, ignorance and insane folly. The officers would not abandon their high positions to sink into their former insignificance in the civil community; and the soldiers preferred living on others to working for themselves. Military power released from civil authority always lapses into a selfish and remorseless tyranny. And nowhere is this law more tragically illustrated than in the Philippines. Such an unholy carnival of militarism, despotism, brigandage, cruelty and wholesale intimidation of peaceful and unoffending inhabitants as the disorganized insurgent bands have since enacted in different parts of the Philippine Islands is without parallel in occidental history, and finds a parallel in Asia alone. The poor Philippine republic was not only dead, but—what is more important in oriental politics—it never again pretended to be alive. In America indeed honest and patriotic but sadly misinformed citizens still talked of the new republic of the orient and that youthful father of his country, Emilio Aguinaldo. But the cold fact is that since those tragic happenings in the province of Nueva Ecija in the month of May, 1899, there has not been even the semblance of a Philippine republic; all clean gone are its congress, cabinet, president and other civil officers; while the opposition to the establishment of American sovereignty has proceeded not so much from the patriotism of the people as from the selfishness of individuals, from the lust of military power and oppression, and from the spirit of robbery and brigandage."

UNITED STATES HAS TRIED PROMISE POLICY.

It thus appears that at the earliest possible moment the United States through authorized representatives told the Filipinos what it wanted of them and what it proposed to do to them and for their benefit; that these assurances of justice, personal liberty and progressive self-government under the American flag which "contrasted strongly with the spoliation and despotism which the insurgent government already practiced" were heartily welcomed by the people and were even accepted by the congress, cabinet and president of the Tagalog organization known as the Philippine republic; that the general in command of the armed insurgents thereupon revolted against the Tagalog civil government, put to death some of its officials, and completely destroyed the so-called Philippine republic. It thus appears that the only semblance of

organized government in the Philippines, the Tagalog dictatorship, accepted American sovereignty; that this so-called republic was destroyed, not by Americans, but by armed insurgents, rebelling against it as against American sovereignty, influenced not by patriotism, but by the selfishness of individuals, the lust of military power and oppression and the spirit of robbery and brigandage. It also appears that the "unholy carnival of militarism, despotism and cruelty in the Philippine Islands" has been the work not of the American army, but of the "disorganized insurgent bands." It follows that promises are futile which are addressed to the armed insurgents, and which aim to disarm them, and to end the so-called war. And it also follows that when peace has been restored to the archipelago by the relentless extermination or complete dispersal of the brigands and "banded assassins," who have been masquerading as a free people aspiring to liberty, and as an independent self-governing nation, assurances of justice, personal liberty and progressive self-government under the American sovereignty and flag will be gladly welcomed and accepted by the peace-loving masses of Filipinos. If they were persuaded to this step in 1899 by consideration of "the spoliation and despotism" already practiced by the insurgent government, the torture and murder of countless thousands of them by the insurrecto bands since that date will strengthen them in their original determination. Military domination and despotism, backed by assassination, were all that stood in the way in 1899 of Filipino peaceful development under American sovereignty. With the elimination of that native military despotism in 1902, it should be possible to begin again where the first Philippine commission was violently interrupted. There was no recognition of Filipino sovereignty and no promise of future independence in the proclamation of the United States through that commission. Yet Aguinaldo and his congress welcomed its assurances and were willing to recognize its sovereignty. What the Tagalog organization in 1899 was ready to accept should surely be acceptable to the completely disorganized Filipino people of 1902. The only ones to resist the beneficent policy of the United States in 1902, as in 1899, are the unpatriotic bandits, inflamed with the spirit of brigandage and the lust of military power; and these—for the burials alive and the burnings at the stake which they have inflicted on their own defenseless people if for no other crime—are to be relentlessly exterminated. Promises of independence should obviously not be made to the Filipinos in arms, and are unnecessary, injudicious and undesired in the case of the unarmed and peaceably-disposed natives.

AMERICAN BENEFICENT CONTROL FOR THE PRESENT.

It is clear what the United States proposes to do to and for the Filipinos for the immediate future, for the ten years during which certain treaty obligations to Spain run; for the generation at least which Schurman in 1899 intimated would be required before the Filipinos were fitted for or desirous of self-government, or for the two generations which Governor Taft has recently estimated to be necessary as a minimum to develop this fitness and desire.

The wise legislation recently enacted concerning the Philippines clearly indicates our program for the immediate future. The Filipinos are to be blessed with peace in the land, personal liberty and security to life and property, freedom from the domination of the friars, control of

the labor opportunities and access to the land of the archipelago, schools, railroads, highways and improved harbors, tax reform and honest administration, and the wholesome, gradual development of every material resource. During the probative period under American sovereignty we are to institute and maintain there with Filipino co-operation and steadily-increasing participation a stable government, not for the selfish exploitation of the natural wealth of the Philippines for the supposed pecuniary benefit of Americans, but with its controlling and paramount motive the promotion of the welfare of the Filipinos on the sound theory that American and Filipino interests in the development of the archipelago are intertwined and must advance or retrograde together.

The enactment of the civil government bill, the extension of civil government over all of the Christian provinces, the amnesty proclamation of July 4, 1902, the coinage act and the three millions relief appropriation are the nation's latest substantial pledges to the Filipinos of justice, liberty and American fair play.

A central government in which the Filipinos participate should be established, Mr. Schurman thinks, even before the grants of power are exercised which will put in operation the beneficent measures which have been outlined. "The Philippines are for the Filipinos. We have no right to vote away their public property and franchises without their joint consent." The time is uncertain when a popular assembly, truly representative, could be got together. It would be foolish to postpone these beneficent measures so essential to pacification as well as to the prosperity of the Philippines until pacification has been accomplished without their aid. During the period of "American training" the American decision will prevail in cases involving differences between Americans and Filipinos. To prematurely assemble a popular representative body and then to ignore or reverse its expressed opinion would be worse in effect than to postpone such an assembly. The Filipinos already have substantial representation in the insular government, legislative and judicial. In addition to large participation in the municipal governments they have three of the eight members of the commission, appointed by the President, which has been the legislative body of the central government since the 1st of September, 1901, and whose jurisdiction has by the order of July 4, 1902, been extended over the entire archipelago except Moroland. In the judicial branch three of the seven members of the supreme court are Filipinos. For purposes of consultation the intelligent Filipinos, who lead the federal party or are employed in various official capacities by the insular government, are always available.

NO IMMEDIATE FILIPINO LEGISLATURE.

It is desirable on the one hand to increase native participation in the government of the archipelago as fast as the intelligent class desires it and the people are reasonably fitted for it. On the other hand the injury to be feared from a misunderstanding of the meaning of the immediate creation of a popular assembly is materially increased by the democratic and anti-imperialistic declaration in favor of such an assembly for the purpose of passing upon the question of Filipino independence, and, even preliminary thereto, of legislating authoritatively on the questions ostensibly decided in the recent enactments by Congress. While this specific political issue is pending between the two parties in America the establishment of a popular Filipino assembly, no matter what its an-

nounced purpose, would run serious risk of being misunderstood or purposely perverted in its meaning through insurrecto influences, and disappointments, friction and hurtful resentments would follow.

Under these conditions, with the Filipinos in fact enjoying substantial participation in the insular central government, we are in more danger of going ahead too fast than too slowly in convening the so-called popular and representative Philippine assembly; and Congress has wisely postponed for at least two years the time when even a restricted Filipino legislature can be assembled. (See civil government bill in appendix.)

We must take care, with the welfare of the Filipinos in view, to do nothing which will inadvertently remove the Philippines from the apurtenant condition under the insular decisions of the Supreme Court. We must promptly, without delay on any pretext, promote pacification and prosperity in the archipelago by beneficent acts in pursuance of recent legislation. We must proceed courageously to master the difficulties and to meet the responsibilities of our oriental problem. We cannot, if we would, shift our burden on the shoulders of a prematurely summoned Philippine legislature. The immediate responsibility for the archipelago is on the United States, and cannot be avoided by any policy of "scuttle," however ingenious or plausible.

NO DENIAL OF SELF-GOVERNMENT OR FUTURE INDEPENDENCE.

It is to be remembered that assertion of the national authority and American sovereignty in the Philippines and satisfaction on the basis of that sovereignty of the Filipino needs of the present, do not negative independence at that time in the future when the Filipinos are prepared for it, if they then desire it. Indeed, all the practical steps proposed by the imperialists tend to facilitate the development of the Filipino capacity for self-government and for the wisest choice of a form of government and of advantageous relations to the United States. Moreover, the imperialist Supreme Court decision concerning the status of the Philippines permits the United States to cut the Filipinos adrift to paddle their own canoe at the fitting moment, having first taught them the use of the paddle and supplied the canoe with all the modern necessities. The anti-imperialists promise independence but do not facilitate it; the imperialists refuse to promise it but push ahead preparations which will inevitably lead to it if the developed Filipinos of the future so will. That the anti-imperialist program denies practical benefits of the present in its eagerness to make glittering promises for the future is demonstrated by the record in the matter of the Philippine tariff. The anti-imperialists were so strongly convinced that there should be no duties at all on importations from the archipelago into the United States that they denied to the Philippines the benefit of votes to reduce those duties to a minimum. They contended that no duties on Philippine products should be collected now and that full Dingley rates should be exacted at that date in the future when the promised independence should be enjoyed by the archipelago, and so obstinately and literally did they adhere to this program that, unable to secure a hundred per cent reduction at this time in the Dingley rates, they permitted a meager twenty-five per cent reduction to be enacted, and, having it in their power to make the choice, refused to substitute for this inadequate discount a proposed reduction of either fifty per cent or seventy-five per cent. They look steadily at an imagi-

nary future of their own creation and ignore the present and the Filipino needs of today. They deal with theory instead of the actual conditions which confront the republic in the Philippines. They substitute promises of future consideration for present practical relief.

At the end of its course of training in the school of American appurtenant territory, the archipelago will seek and secure a readjustment of its relations with the United States. If at that time the Filipinos generally wish an independent government, clearly they will secure it. The Supreme Court decisions in the insular cases permit such separation of appurtenant territory without impairment or rupture of the Union, and without creating a precedent of secession. If the people of the United States at that time conclude that the Filipinos, even though developed to a capacity for a reasonable degree of self-government, can never be citizens of a state of the Union, they will undoubtedly couple with that decision a determination not to wage war in opposition to any national aspiration which may have then developed in the archipelago. When the Filipinos are fitted for self-government they will be entitled to and will undoubtedly secure either Filipino self-government or, as Americans, full American self-government.

In the meanwhile they will enjoy with the Alaskans and Porto Ricans the enumerated benefits of the status of American territorial appurtenancy, having no more and no less of specific verbal pledges concerning what the future has in store for them than the Alaskans and Porto Ricans and blessed like them with American personal liberty, protection to life and property and full opportunities for the national pursuit of happiness.

Whether their occupancy of the appurtenant status be long or short, lasting for a decade or terminating only with the existence of the republic, they will have been during the entire period of American tutelage far better governed, more prosperous, more peaceful, more content and more free than under any alternative form of government which has ever been among the reasonable possibilities of their future.

May the chapter of history which treats of Oriental America display to the world a unique and interesting experiment of successful co-operation between Anglo-Saxon and Malay, American and Filipino, in the promotion of profitable trade, in the highest development of the resources of a section of the tropics, and in the notable advancement of an Asiatic people, not merely in material prosperity, but primarily and conspicuously in Christian civilization, in personal liberty and in intelligent and progressive self-government!

APPENDIX

TREATY OF PARIS

TREATY OF PEACE

Between the

UNITED STATES AND SPAIN,

Signed at the City of Paris, Dec. 10 1898.

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her august son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as plenipotentiaries:

The President of the United States, William R. Day, Cushman K. Davis, William P. Frye, George Gray and Whitelaw Reid, citizens of the United States, And Her Majesty the Queen Regent of Spain,

Don Eugenio Montero Rios, president of the senate; Don Buenaventura de Abarzua, senator of the kingdom and ex-minister of the crown; Don Jose de Garnica, deputy to the cortes and associate justice of the supreme court; Don Wenceslao Ramirez de Villa-Urrutia, envoy extraordinary and minister plenipotentiary at Brussels, and Don Rafael Cerero, general of division;

Who, having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

ARTICLE I.

Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

ARTICLE II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

ARTICLE III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line:

A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty-five minutes (4° 45') north latitude, thence along the

parallel of four degrees and forty-five minutes (4° 45') north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35') east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty-five minutes (119° 35') east of Greenwich to the parallel of latitude seven degrees and forty minutes (7° 40') north, thence along the parallel of latitude of seven degrees and forty minutes (7° 40') north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning.

The United States will pay to Spain the sum of twenty million dollars (\$20,000,000) within three months after the exchange of the ratifications of the present treaty.

ARTICLE IV.

The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

ARTICLE V.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them.

Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the protocol of August 12, 1898, which is to continue in force till its provisions are completely executed.

The time within which the evacuation of the Philippine Islands and Guam shall be completed shall be fixed by the two governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accessories, powder, ammunition, livestock and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defences, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may, in the meantime, purchase such material from Spain, if a satis-

factory agreement between the two governments on the subject shall be reached.

ARTICLE VI.

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offences, in connection with the insurrections in Cuba and the Philippines and the war with the United States.

Reciprocally, the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines.

The government of the United States will at its own cost return to Spain and the government of Spain will at its own cost return to the United States, Cuba, Porto Rico and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

ARTICLE VII.

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either government, or of its citizens or subjects, against the other government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the cost of the war.

The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

ARTICLE VIII.

In conformity with the provisions of Articles I, II and III of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways and other immovable property which, in conformity with law, belong to the public domain, and as such belong to the Crown of Spain.

And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be.

The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to.

In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the Crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to,

which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and other instruments forming part of notarial protocols or files, or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

ARTICLE IX.

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the congress.

ARTICLE X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

ARTICLE XI.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

ARTICLE XII.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules:

1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out.

2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the court in which they may then be pending or in the court that may be substituted therefor.

3. Criminal actions pending on the date mentioned before the supreme court of

Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

ARTICLE XIII.

The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba and in Porto Rico, the Philippines and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

ARTICLE XIV.

Spain will have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

ARTICLE XV.

The government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance

dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade.

This article may at any time be terminated on six months' notice given by either government to the other.

ARTICLE XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any government established in the island to assume the same obligations.

ARTICLE XVII.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty and have hereunto affixed our seals.

Done in duplicate at Paris, the tenth day of December, in the year of Our Lord one thousand eight hundred and ninety-eight.
 William R. Day, Eugenio Montero Rios,
 Cushman K. Davis, B. de Abarzuza,
 William P. Frye, J. de Garnica,
 George Gray, W. R. De Villa Urrutia,
 Whitelaw Reid, Rafael Cerero.

ACTS OF CONGRESS AFFECTING THE PHILIPPINES

TEMPORARY GOVERNMENT ACT

The so-called "Spooner Amendment" to army appropriation act of 1901, providing for the temporary government of the Philippine Islands:

All military, civil and judicial powers necessary to govern the Philippine Islands, acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct, for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their freedom, property and religion: Provided, that all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend or repeal the same.

Until a permanent government shall have been established in said archipelago full reports shall be made to Congress on or before the first day of each regular session

of all legislative acts and proceedings of the temporary government instituted under the provisions hereof; and full reports of the acts and doings of said government, and as to the condition of the archipelago and of its people, shall be made to the President, including all information which may be useful to the Congress in providing for a more permanent government: Provided, that no sale or lease or other disposition of the public lands, or the timber thereon, or the mining rights therein, shall be made: And provided, further, that no franchise shall be granted which is not approved by the President of the United States, and is not in his judgment clearly necessary for the immediate government of the islands and indispensable for the interests of the people thereof, and which cannot, without great public mischief, be postponed until the establishment of the permanent civil government; and all such franchises shall terminate one year after the establishment of such permanent civil government. Act approved March 2, 1901.

REVENUE AND TARIFF ACT

An act temporarily to provide revenue for the Philippine Islands and for other purposes:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the United States Philippine commission on

the seventeenth day of September, nineteen hundred and one, shall be and remain in full force and effect, and there shall be levied, collected and paid upon all articles coming into the Philippine Archipelago from the United States the rates of duty which are required by the said act to be levied, collected and paid upon like articles imported from foreign countries into said archipelago.

Sec. 2. That on and after the passage of this act there shall be levied, collected and paid upon all articles coming into the United States from the Philippine Archipelago the rates of duty which are required to be levied, collected and paid upon like articles imported from foreign countries: Provided, That upon all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago there shall be levied, collected and paid only seventy-five per centum of the rates of duty aforesaid: And provided further, That the rates of duty which are required hereby to be levied, collected and paid upon products of the Philippine Archipelago coming into the United States shall be less any duty or taxes levied, collected and paid thereon upon the shipment thereof from the Philippine Archipelago, as provided by the act of the United States Philippine commission referred to in section one of this act, under such rules and regulations as the Secretary of the Treasury may prescribe, but all articles, the growth and product of the Philippine Islands, admitted into the ports of the United States free of duty under the provisions of this act and coming directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands.

Sec. 3. That on and after the passage of this act the same tonnage taxes shall be levied, collected and paid upon all foreign vessels coming into the United States from the Philippine Archipelago which are required by law to be levied, collected and paid upon vessels coming into the United States from foreign countries: Provided, however, That until July first, nineteen hundred and four, the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Archipelago and the United States, or between ports in the Philippine Archipelago: And provided further, That the Philippine commission shall be authorized and empowered to issue licenses to engage in lighterage or other exclusively harbor business to vessels or other craft actually engaged in such business at the date of the passage of this act, and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands.

Sec. 4. That the duties and taxes collected in the Philippine Archipelago in pursuance of this act, and all duties and taxes collected in the United States upon articles coming from the Philippine Archipelago and upon foreign vessels coming therefrom, shall not be covered into the general fund of the Treasury of the United States, but shall be held as a separate fund and paid into the treasury of the Philippine Islands, to be used and expended for the government and benefit of said islands.

Sec. 5. That when duties prescribed by this act are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

Sec. 6. That all articles manufactured in bonded manufacturing warehouses in whole or in part, of imported materials, or of materials subject to internal revenue tax and intended for shipment from the United States to the Philippine Islands, shall, when so shipped, under such regulations as the Secretary of the Treasury may prescribe, be exempt from internal revenue tax, and shall not be charged with duty except the duty levied under this act upon imports into the Philippine Islands.

That all articles subject under the laws of the United States to internal revenue tax, or on which the internal revenue tax has been paid, and which may under existing laws and regulations be exported to a foreign country without the payment of such tax, or with benefit of drawback, as the case may be, may also be shipped to the Philippine Islands with like privilege, under such regulations and the filing of such bonds, bills of lading and other security as the commissioner of internal revenue may, with the approval of the Secretary of the Treasury, prescribe. And all taxes paid upon such articles shipped to the Philippine Islands since November fifteenth, nineteen hundred and one, under the decision of the Secretary of the Treasury of that date, shall be refunded to the parties who have paid the same, under such rules and regulations as the Secretary of the Treasury may prescribe, and a sum sufficient to make such payment is hereby appropriated, out of any money in the treasury not otherwise appropriated.

That where materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the shipment of said articles to the Philippine Archipelago a drawback equal in amount to the duties paid on the materials used, less one per centum of such duties, under such rules and regulations as the Secretary of the Treasury may prescribe.

Sec. 7. That merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid less one per centum, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

Sec. 8. That the provisions of the act entitled "An act to simplify the laws in relation to the collection of revenues," approved June tenth, eighteen hundred and ninety, as amended by an act entitled "An act to provide for the government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, shall apply to all articles coming into the United States from the Philippine Archipelago.

Sec. 9. That no person in the Philippine Islands shall, under the authority of the United States, be convicted of treason by any tribunal, civil or military, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Approved March 8, 1902.

CHINESE EXCLUSION ACT

An act to prohibit the coming into and to regulate the residence within the United States, its territories and all territory under its jurisdiction and the District of Columbia, of Chinese and persons of Chinese descent.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws now in force prohibiting and regulating the coming of Chinese persons, and persons of Chinese descent, into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen and fourteen of the act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, re-enacted, extended and continued so far as the same are not inconsistent with treaty obligations, until otherwise provided by law, and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory: Provided, however, That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any island within the jurisdiction of any state or the District of Alaska shall be considered a part of the mainland under this section.

Sec. 2. That the Secretary of the Treasury is hereby authorized and empowered to make and prescribe, and from time to time to change such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this act and of the acts hereby extended and continued and of the treaty of December eighth, eighteen hundred and ninety-four, between the United States and China, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said acts.

Sec. 3. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employes, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of the Treasury may prescribe, both as to the admission and return of such person or persons.

Sec. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine islands, including the form and substance of the certificate of residence so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: Provided, however, That if said Philippine commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act, said commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

Approved, April 29, 1902.

CIVIL GOVERNMENT ACT

An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the action of the President of the United States in creating the Philippine commission and authorizing said commission to exercise the powers of government to the extent and in the manner and form and subject to the regulation and control set forth in the instructions of the President to the Philippine commission, dated April seventh, nineteen hundred, and in creating the offices of civil governor and vice governor of the Philippine Islands, and authorizing said civil governor and vice governor to exercise the powers of govern-

ment to the extent and in the manner and form set forth in the executive order dated June twenty-first, nineteen hundred and one, and in establishing four executive departments of government in said islands as set forth in the act of the Philippine commission, entitled "An act providing an organization for the departments of the interior, of commerce and police, of finance and justice, and of public instruction," enacted September sixth, nineteen hundred and one, is hereby approved, ratified, and confirmed, and until otherwise provided by law the said islands shall continue to be governed as thereby and herein provided, and all laws passed hereafter by the Philippine commission shall have an enacting clause as follows: "By authority of the United States be it enacted by the Philippine commission." The provisions of sec-

tion eighteen hundred and ninety-one of the Revised Statutes of eighteen hundred and seventy-eight shall not apply to the Philippine Islands.

Future appointments of civil governor, vice governor, members of said commission and heads of executive departments shall be made by the President, by and with the advice and consent of the Senate.

TARIFF OF DUTIES AND TAXES.

Sec. 2. That the action of the President of the United States heretofore taken by virtue of the authority vested in him as commander-in-chief of the army and navy, as set forth in his order of July twelfth, eighteen hundred and ninety-eight, whereby a tariff of duties and taxes as set forth by said order was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved: Provided, That nothing contained in this section shall be held to amend or repeal an act entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," approved March eighth, nineteen hundred and two.

Sec. 3. That the President of the United States, during such time as and whenever the sovereignty and authority of the United States encounter armed resistance in the Philippine Islands, until otherwise provided by Congress, shall continue to regulate and control commercial intercourse with and within said islands by such general rules and regulations as he, in his discretion, may deem most conducive to the public interests and the general welfare.

PHILIPPINE CITIZENSHIP.

Sec. 4. That all inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain signed at Paris December tenth, eighteen hundred and ninety-eight.

GUARANTIES OF PERSONAL RIGHTS.

Sec. 5. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, with the approval of the Philippine commission, wherever during such period the necessity for such suspension shall exist.

That no ex-post facto law or bill of attainder shall be enacted.

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in said islands, shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign state.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That neither slavery, nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

That the rule of taxation in said islands shall be uniform.

That no private or local bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.

CENSUS.

Sec. 6. That whenever the existing insurrection in the Philippine Islands shall have ceased and a condition of general and complete peace shall have been established therein and the fact shall be certified to the President by the Philippine commission, the President, upon being satisfied thereof, shall order a census of the Philippine Islands to be taken by said Philippine commission; such census in its inquiries relating to the population shall take and make so far as practicable full report for all the inhabitants, of name, age, sex, race, or tribe, whether native or foreign born, literacy in Spanish, native

dialect or language, or in English, school attendance, ownership of homes, industrial and social statistics, and such other information separately for each island, each province, and municipality, or other civil division, as the President and said commission may deem necessary: Provided, That the President may, upon the request of said commission, in his discretion, employ the service of the census bureau in compiling and promulgating the statistical information above provided for, and may commit to such bureau any part or portion of such labor as to him may seem wise.

PHILIPPINE ASSEMBLY OR LEGISLATURE.

Sec. 7. That two years after the completion and publication of the census, in case such condition of general and complete peace with recognition of the authority of the United States shall have continued in the territory of said islands not inhabited by Moros or other non-Christian tribes and such facts shall have been certified to the President by the Philippine commission, the President upon being satisfied thereof shall direct said commission to call, and the commission shall call, a general election for the choice of delegates to a popular assembly of the people of said territory in the Philippine Islands, which shall be known as the Philippine assembly. After said assembly shall have convened and organized, all the legislative power heretofore conferred on the Philippine commission in all that part of said islands not inhabited by Moros or other non-Christian tribes shall be vested in a legislature consisting of two houses—the Philippine commission and the Philippine assembly. Said assembly shall consist of not less than fifty nor more than one hundred members to be apportioned by said commission among the provinces as nearly as practicable according to population: Provided, That no province shall have less than one member: And provided further, That provinces entitled by population to more than one member may be divided into such convenient districts as the said commission may deem best.

Public notice of such division shall be given at least ninety days prior to such election, and the election shall be held under rules and regulations to be prescribed by law. The qualification of electors in such election shall be the same as is now provided by law in case of electors in municipal elections. The members of assembly shall hold office for two years from the first day of January next following their election, and their successors shall be chosen by the people every second year thereafter. No person shall be eligible to such election who is not a qualified elector of the election district in which he may be chosen, owing allegiance to the United States, and twenty-five years of age.

The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included): Provided, That the first meeting of the legislature shall be held upon the call of the governor within ninety days after the first election: And provided further, That if at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated;

and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

The legislature may be called in special session at any time by the civil governor for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than thirty days, exclusive of Sundays.

The assembly shall be the judge of the elections, returns and qualifications of its members. A majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may be authorized to compel the attendance of absent members. It shall choose its speaker and other officers, and the salaries of its members and officers shall be fixed by law. It may determine the rule of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds expel a member. It shall keep a journal of its proceedings, which shall be published, and the yeas and nays of the members on any question shall, on the demand of one-fifth of those present, be entered on the journal.

COMMISSIONERS TO UNITED STATES.

Sec. 8. That at the same time with the first meeting of the Philippine legislature, and biennially thereafter, there shall be chosen by said legislature, each house voting separately, two resident commissioners to the United States, who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the civil governor of said islands, and each of whom shall be entitled to a salary payable monthly by the United States at the rate of five thousand dollars per annum, and two thousand dollars additional to cover all expenses: Provided, That no person shall be eligible to such election who is not a qualified elector of said islands, owing allegiance to the United States, and who is not thirty years of age.

PHILIPPINE COURTS.

Sec. 9. That the supreme court and the courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by the government of said islands, subject to the power of said government to change the practice and method of procedure. The municipal courts of said islands shall possess and exercise jurisdiction as heretofore provided by the Philippine commission, subject in all matters to such alteration and amendment as may be hereafter enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate, and shall receive the compensation heretofore prescribed by the commission until otherwise provided by Congress. The judges of the court of first instance shall be appointed by the civil governor, by and with the advice and consent of the Philippine commission: Provided, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by act of Congress.

Sec. 10. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the supreme court of the Philippine Islands in all ac-

tions, cases, causes and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds twenty-five thousand dollars, or in which the title or possession of real estate exceeding in value the sum of twenty-five thousand dollars, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the circuit courts of the United States.

HARBOR IMPROVEMENTS.

Sec. 11. That the government of the Philippine Islands is hereby authorized to provide for the needs of commerce by improving the harbors and navigable waters of said islands and to construct and maintain in said navigable waters and upon the shore adjacent thereto bonded warehouses, wharves, piers, lighthouses, signal and life-saving stations, buoys and like instruments of commerce, and to adopt and enforce regulations in regard thereto, including bonded warehouses wherein articles not intended to be imported into said islands nor mingled with the property therein, but brought into a port of said islands for reshipment to another country, may be deposited in bond and reshipped to another country without the payment of customs duties or charges.

Sec. 12. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as shall be designated by the President of the United States for military and other reservations of the government of the United States, are hereby placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, except as provided in this act.

AGRICULTURAL LANDS.

Sec. 13. That the government of the Philippine Islands, subject to the provisions of this act and except as herein provided, shall classify according to its agricultural character and productiveness, and shall immediately make rules and regulations for the lease, sale, or other disposition of the public lands other than timber or mineral lands, but such rules and regulations shall not go into effect or have the force of law until they have received the approval of the President, and when approved by the President they shall be submitted by him to Congress at the beginning of the next ensuing session thereof, and unless disapproved or amended by Congress at said session they shall at the close of such period have the force and effect of law in the Philippine Islands: Provided, That a single homestead entry shall not exceed sixteen hectares in extent.

Sec. 14. That the government of the Philippine Islands is hereby authorized and empowered to enact rules and regulations and to prescribe terms and conditions to

enable persons to perfect their title to public lands in said islands, who, prior to the transfer of sovereignty from Spain to the United States, had fulfilled all or some of the conditions required by the Spanish laws and royal decrees of the Kingdom of Spain for the acquisition of legal title thereto, yet failed to secure conveyance of title; and the Philippine commission is authorized to issue patents, without compensation, to any native of said islands, conveying title to any tract of land not more than sixteen hectares in extent, which were public lands and had been actually occupied by such native or his ancestors prior to and on the thirteenth of August, eighteen hundred and ninety-eight.

HOMESTEAD GRANTS.

Sec. 15. That the government of the Philippine Islands is hereby authorized and empowered, on such terms as it may prescribe, by general legislation, to provide for the granting or sale and conveyance to actual occupants and settlers and other citizens of said islands such parts and portions of the public domain, other than timber and mineral lands, of the United States in said islands as it may deem wise, not exceeding sixteen hectares to any one person, and for the sale and conveyance of not more than one thousand and twenty-four hectares to any corporation or association of persons: Provided, That the grant or sale of such lands, whether the purchase price be paid at once or in partial payments, shall be conditioned upon actual and continued occupancy, improvement and cultivation of the premises sold for a period of not less than five years, during which time the purchaser or grantee can not alienate or encumber said land or the title thereto; but such restriction shall not apply to transferees of rights and title of inheritance under the laws for the distribution of the estates of decedents.

Sec. 16. That in granting or selling any part of the public domain under the provisions of the last preceding section, preference in all cases shall be given to actual occupants and settlers; and such public lands of the United States in the actual possession or occupancy of any native of the Philippine Islands shall not be sold by said government to any other person without the consent thereto of said prior occupant or settler first had and obtained: Provided, That the prior right hereby secured to an occupant of land, who can show no other proof of title than possession, shall not apply to more than sixteen hectares in any one tract.

TIMBER LANDS.

Sec. 17. That timber, trees, forests and forest products on lands leased or demised by the government of the Philippine Islands under the provisions of this act shall not be cut, destroyed, removed, or appropriated except by special permission of said government and under such regulations as it may prescribe.

All moneys obtained from lease or sale of any portion of the public domain or from licenses to cut timber by the government of the Philippine Islands shall be covered into the insular treasury and be subject only to appropriation for insular purposes according to law.

Sec. 18. That the forest laws and regulations now in force in the Philippine Islands, with such modifications and amendments as may be made by the government

of said islands, are hereby continued in force, and no timber lands forming part of the public domain shall be sold, leased, or entered until the government of said islands, upon the certification of the forestry bureau that said lands are more valuable for agriculture than for forest uses, shall declare such lands so certified to be agricultural in character: Provided, That the said government shall have the right and is hereby empowered to issue licenses to cut, harvest, or collect timber or other forest products on reserved or unreserved public lands in said islands in accordance with the forest laws and regulations heretofore mentioned and under the provisions of this act, and the said government may lease land to any person or persons holding such licenses, sufficient for a mill site, not to exceed four hectares in extent, and may grant rights of way to enable such person or persons to get access to the lands to which such licenses apply.

WATER RIGHTS.

Sec. 19. That the beneficial use shall be the basis, the measure and the limit of all rights to water in said islands, and the government of said islands is hereby authorized to make such rules and regulations for the use of water, and to make such reservations of public lands for the protection of the water supply, and for other public purposes not in conflict with the provisions of this act, as it may deem best for the public good.

MINERAL LANDS.

Sec. 20. That in all cases public lands in the Philippine Islands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law.

Sec. 21. That all valuable mineral deposits in public lands in the Philippine Islands, both surveyed and unsurveyed, are hereby declared to be free and open to exploration, occupation and purchase, and the land in which they are found to occupation and purchase, by citizens of the United States, or of said islands: Provided, That when on any lands in said islands entered and occupied as agricultural lands under the provisions of this act, but not patented, mineral deposits have been found, the working of such mineral deposits is hereby forbidden until the person, association, or corporation who or which has entered and is occupying such lands shall have paid to the government of said islands such additional sum or sums as will make the total amount paid for the mineral claim or claims in which said deposits are located equal to the amount charged by the government for the same as mineral claims.

Sec. 22. That mining claims upon land containing veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, located after the passage of this act, whether located by one or more persons qualified to locate the same under the preceding section, shall be located in the following manner and under the following conditions: Any person so qualified desiring to locate a mineral claim shall, subject to the provisions of this act with respect to land which may be used for mining, enter upon the same and locate a plot of ground measuring, where possible, but not exceeding, one thousand feet in length by one thousand feet in breadth, in as nearly as possible a rectangular form; that is to say: All angles

shall be right angles, except in cases where a boundary line of a previously surveyed claim is adopted as common to both claims, but the lines need not necessarily be meridional. In defining the size of a mineral claim, it shall be measured horizontally, irrespective of inequalities of the surface of the ground.

Sec. 23. That a mineral claim shall be marked by two posts placed as nearly as possible on the line of the ledge or vein, and the posts shall be numbered one and two, and the distance between posts numbered one and two shall not exceed one thousand feet, the line between posts numbered one and two to be known as the location line; and upon posts numbered one and two shall be written the name given to the mineral claim, the name of the locator, and the date of the location. Upon post numbered one there shall be written, in addition to the foregoing, "Initial post," the approximate compass bearing of post numbered two, and a statement of the number of feet lying to the right and to the left of the line from post numbered one to post numbered two, thus: "Initial post. Direction of post numbered two. — feet of this claim lie on the right and — feet on the left of the line from number one to number two post." All the particulars required to be put on number one and number two posts shall be furnished by the locator to the provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, in writing, at the time the claim is recorded, and shall form a part of the record of such claim.

Sec. 24. That when a claim has been located the holder shall immediately mark the line between posts numbered one and two so that it can be distinctly seen. The locator shall also place a post at the point where he has found minerals in place, on which shall be written "Discovery post:" Provided, That when the claim is surveyed the surveyor shall be guided by the records of the claim, the sketch plan on the back of the declaration made by the owner when the claim was recorded, posts numbered one and two, and the notice on number one, the initial post.

Sec. 25. That it shall not be lawful to move number one post, but number two post may be moved by the deputy mineral surveyor when the distance between posts numbered one and two exceeds one thousand feet, in order to place number two post one thousand feet from number one post on the line of location. When the distance between posts numbered one and two is less than one thousand feet the deputy mineral surveyor shall have no authority to extend the claim beyond number two.

Sec. 26. That the "location line" shall govern the direction of one side of the claim, upon which the survey shall be extended according to this act.

Sec. 27. That the holder of a mineral claim shall be entitled to all minerals which may lie within his claim, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downward: Provided, That this act shall not prejudice the rights of claim owners nor claim holders whose claims have been located under existing laws prior to this act.

Sec. 28. That no mineral claim of the full size shall be recorded without the application being accompanied by an affidavit made by the applicant or some person on

his behalf cognizant of the facts—that the legal notices and posts have been put up; that mineral has been found in place on the claim proposed to be recorded; that the ground applied for is unoccupied by any other person. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the number one and number two posts shall be set out in full, and as accurate a description as possible of the position of the claim given with reference to some natural object or permanent monuments.

Sec. 29. That no mineral claim which at the date of its record is known by the locator to be less than a full-sized mineral claim shall be recorded without the word "fraction" being added to the name of the claim, and the application being accompanied by an affidavit or solemn declaration made by the applicant or some person on his behalf cognizant of the facts. That the legal posts and notices have been put up; that mineral has been found in place on the fractional claim proposed to be recorded; that the ground applied for is unoccupied by any other person. In the said declaration shall be set out the name of the applicant and the date of the location of the claim. The words written on the posts numbered one and two shall be set out in full, and as accurate a description as possible of the position of the claim given. A sketch plan shall be drawn by the applicant on the back of the declaration, showing as near as may be the position of the adjoining mineral claims and the shape and size, expressed in feet, of the claim or fraction desired to be recorded: Provided, That the failure on the part of the locator of a mineral claim to comply with any of the foregoing provisions of this section shall not be deemed to invalidate such location, if upon the facts it shall appear that such locator has actually discovered mineral in place on said location, and that there has been on his part a bona fide attempt to comply with the provisions of this act, and that the non-observance of the formalities hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity.

Sec. 30. That in cases where, from the nature or shape of the ground, it is impossible to mark the location line of the claim as provided by this act then the claim may be marked by placing posts as nearly as possible to the location line, and noting the distance and direction such posts may be from such location line, which distance and direction shall be set out in the record of the claim.

Sec. 31. That every person locating a mineral claim shall record the same with the provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder of the district within which the same is situate, within thirty days after the location thereof. Such record shall be made in a book to be kept for the purpose in the office of the said provincial secretary or such other officer as by said government described as mining recorder, in which shall be inserted the name of the claim, the name of each locator, the locality of the mine, the direction of the location line, the length in feet, the date of location, and the date of the record. A claim which shall not have been recorded within the prescribed period shall be deemed to have been abandoned.

Sec. 32. That in case of any dispute as to the location of a mineral claim the title to the claim shall be recognized according to the priority of such location, subject to any question as to the validity of the record itself and subject to the holder having complied with all the terms and conditions of this act.

Sec. 33. That no holder shall be entitled to hold in his, its, or their own name or in the name of any other person, corporation, or association more than one mineral claim on the same vein or lode.

Sec. 34. That a holder may at any time abandon any mineral claim by giving notice, in writing, of such intention to abandon, to the provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder; and from the date of the record of such notice all his interest in such claim shall cease.

Sec. 35. That proof of citizenship under the clauses of this act relating to mineral lands may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any state or territory thereof, or of the Philippine Islands, by the filing of a certified copy of their charter or certificate of incorporation.

Sec. 36. That the United States Philippine commission or its successors may make regulations, not in conflict with the provisions of this act, governing the location, manner of recording, and amount of work necessary to hold possession of a mining claim, subject to the following requirements:

On each claim located after the passage of this act, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year: Provided, That upon a failure to comply with these conditions the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required thereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim, and in two newspapers published at Manila, one in the English language and the other in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands, for at least once a week for ninety days, and if, at the expiration of ninety days after such notice in writing or by publication such delinquent shall fail or refuse to contribute his proportion of the expenditure required by this section his interest in the claim shall become the property of his co-owners who have made the required expenditures. The period within which the work required to be done annually on all unpatented mineral claims shall commence on the first day of Jan-

uary succeeding the date of location of such claim.

Sec. 37. That a patent for any land claimed and located for valuable mineral deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this act, having claimed and located a piece of land for such purposes, who has or have complied with the terms of this act, may file in the office of the provincial secretary, or such other officer as by the government of said islands may be described as mining recorder of the province wherein the land claimed is located, an application for a patent, under oath, showing such compliance, together with a plat and field notes of the claim or claims in common, made by or under the direction of the chief of the Philippine insular bureau of public lands, showing accurately the boundaries of the claim, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and shall file a copy of the notice in such office, and shall thereupon be entitled to a patent for the land, in the manner following: The provincial secretary, or such other officer as by the Philippine government may be described as mining recorder, upon the filing of such application, plat, field notes, notices, and affidavits, shall publish a notice that such an application has been made, once a week for the period of sixty days, in a newspaper to be by him designated as nearest to such claim and in two newspapers published in Manila, one in the English language and one in the Spanish language, to be designated by the chief of the Philippine insular bureau of public lands; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter within the sixty days of publication, shall file with the provincial secretary or such other officer as by the Philippine government may be described as mining recorder a certificate of the chief of the Philippine insular bureau of public lands that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the provincial secretary or such other officer as by the government of said islands may be described as mining recorder at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent upon the payment to the provincial treasurer or the collector of internal revenue of five dollars per acre and that no adverse claim exists, and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be

shown that the applicant has failed to comply with the terms of this act: Provided, That where the claimant for a patent is not a resident of or within the province wherein the land containing the vein, ledge, or deposit sought to be patented is located, the application for patent and the affidavits required to be made in this section by the claimant for such patent may be made by his, her, or its authorized agent where said agent is conversant with the facts sought to be established by said affidavits.

Sec. 38. That applicants for mineral patents, if residing beyond the limits of the province or military department wherein the claim is situated, may make the oath or affidavit required for proof of citizenship before the clerk of any court of record, or before any notary public of any province of the Philippine Islands, or any other official in said islands authorized by law to administer oaths.

Sec. 39. That where an adverse claim is filed during the period of publication it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavits thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment, and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment roll with the provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder, together with the certificate of the chief of the Philippine insular bureau of public lands that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the provincial treasurer or the collector of internal revenue of the province in which the claim is situated, as the case may be, five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment roll shall be certified by the provincial secretary or such other officer as by said government may be described as mining recorder to the secretary of the interior of the Philippine Islands, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear from the decision of the court, rightly to possess. The adverse claim may be verified by the oath of any duly authorized agent or attorney in fact of the adverse claimant cognizant of the facts stated; and the adverse claimant, if residing or at the time being beyond the limits of the province wherein the claim is situated, may make oath to the adverse claim before the clerk of any court of record, or any notary public of any province or military department of the Philippine Islands, or any other officer authorized to administer oaths

where the adverse claimant may then be. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the chief of the Philippine insular bureau of public lands, whereupon the provincial secretary or such other officer as by the government of said islands may be described as mining recorder shall certify the proceedings and judgment roll to the secretary of the interior for the Philippine Islands, as in the preceding case, and patents shall issue to the several parties according to their respective rights. If in any action brought pursuant to this section title to the ground in controversy shall not be established by either party, the court shall so find, and judgment shall be entered accordingly. In such case costs shall not be allowed to either party, and the claimant shall not proceed in the office of the provincial secretary or such other officer as by the government of said islands may be described as mining recorder or be entitled to a patent for the ground in controversy until he shall have perfected his title. Nothing herein contained shall be construed to prevent the alienation of a title conveyed by a patent for a mining claim to any person whatever.

Sec. 40. That the description of mineral claims upon surveyed lands shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands the chief of the Philippine insular bureau of public lands in extending the surveys shall adjust the same to the boundaries of such patented claim according to the plat or description thereof, but so as in no case to interfere with or change the location of any such patented claim.

Sec. 41. That any person authorized to enter lands under this act may enter and obtain patent to lands that are chiefly valuable for building stone under the provisions of this act relative to placer mineral claims.

Sec. 42. That any person authorized to enter lands under this act may enter and obtain patent to lands containing petroleum or other mineral oils and chiefly valuable therefor under the provisions of this act relative to placer mineral claims.

Sec. 43. That no location of a placer claim shall exceed sixty-four hectares for any association of persons, irrespective of the number of persons composing such association, and no such location shall include more than eight hectares for an individual claimant. Such locations shall conform to the laws of the United States Philippine commission, or its successors, with reference to public surveys, and nothing in this section contained shall defeat or impair any bona fide ownership of land for agricultural purposes or authorize the sale of the improvements of any bona fide settler to any purchaser.

Sec. 44. That where placer claims are located upon surveyed lands and conform to legal subdivisions, no further survey or plat shall be required, and all placer mining claims located after the date of passage of this act shall conform as nearly as practicable to the Philippine system of public-land surveys, and the regular subdivisions of such surveys; but where placer claims can not be conformed to legal sub-

divisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral lands in any legal subdivision a quantity of agricultural land less than sixteen hectares shall remain, such fractional portion of agricultural land may be entered by any party qualified by law for homestead purposes.

Sec. 45. That where such person or association, they and their grantors have held and worked their claims for a period equal to the time prescribed by the statute of limitations of the Philippine Islands, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this act, in the absence of any adverse claim; but nothing in this act shall be deemed to impair any lien which may have attached in any way whatever prior to the issuance of a patent.

Sec. 46. That the chief of the Philippine insular bureau of public lands may appoint competent deputy mineral surveyors to survey mining claims. The expenses of the survey of vein or lode claims and of the survey of placer claims, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any such deputy mineral surveyor to make the survey. The chief of the Philippine insular bureau of public lands shall also have power to establish the maximum charges for surveys and publication of notices under this act; and in case of excessive charges for publication he may designate any newspaper published in a province where mines are situated, or in Manila, for the publication of mining notices and fix the rates to be charged by such paper; and to the end that the chief of the bureau of public lands may be fully informed on the subject such applicant shall file with the provincial secretary, or such other officer as by the government of the Philippine Islands may be described as mining recorder, a sworn statement of all charges and fees paid by such applicant for publication and surveys, and of all fees and money paid the provincial treasurer or the collection of internal revenue, as the case may be, which statement shall be transmitted, with the other papers in the case, to the secretary of the interior for the Philippine Islands.

Sec. 47. That all affidavits required to be made under this act may be verified before any officer authorized to administer oaths within the province or military department where the claims may be situated, and all testimony and proofs may be taken before any such officer, and when duly certified by the officer taking the same, shall have the same force and effect as if taken before the proper provincial secretary or such other officer as by the government of the Philippine Islands may be described as mining recorder. In cases of contest as to the mineral or agricultural character of land the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party can not be found, then by publication at least once a week for thirty days in a newspaper to be designated by the provincial secretary or such other officer as by said government may be described as mining recorder published nearest to the location of such land and in two newspapers published in Manila one in the English language and one in the Span-

ish language to be designated by the chief of the Philippine insular bureau of public lands; and the provincial secretary or such other officer as by said government may be described as mining recorder shall require proofs that such notice has been given.

Sec. 48. That where nonmineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such nonadjacent surface ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location of such nonadjacent land shall exceed two hectares, and payment for the same must be made at the same rate as fixed by this act for the superficies of the lode. The owner of a quartz mill or reduction works not owning a mine in connection therewith may also receive a patent for his mill site as provided in this section.

Sec. 49. That as a condition of sale the government of the Philippine Islands may provide rules for working, policing and sanitation of mines, and rules concerning easements, drainage, water rights, right of way, right of government survey and inspection and other necessary means to their complete development not inconsistent with the provisions of this act, and those conditions shall be fully expressed in the patent. The Philippine commission or its successors are hereby further empowered to fix the bonds of deputy mineral surveyors.

Sec. 50. That whenever by priority of possession rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued and the same are recognized and acknowledged by the local customs, laws and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same, and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed, but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Sec. 51. That all patents granted shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights as may have been acquired under or recognized by the preceding section.

Sec. 52. That the government of the Philippine Islands is authorized to establish land districts and provide for the appointment of the necessary officers whenever they may deem the same necessary for the public convenience, and to further provide that in districts where land offices are established proceedings required by this act to be had before provincial officers shall be had before the proper officers of such land offices.

COAL LANDS.

Sec. 53. That every person above the age of twenty-one years, who is a citizen of the United States, or of the Philippine Islands, or who has acquired the rights of

a native of said islands under and by virtue of the treaty of Paris, or any association of persons severally qualified as above, shall, upon application to the proper provincial treasurer, have the right to enter any quality of vacant coal lands of said islands not otherwise appropriated or reserved by competent authority, not exceeding sixty-four hectares to such individual person, or one hundred and twenty-eight hectares to such association, upon payment to the provincial treasurer or the collector of internal revenue, as the case may be, of not less than twenty-five dollars per hectare for such lands, where the same shall be situated more than fifteen miles from any completed railroad or available harbor or navigable stream, and not less than fifty dollars per hectare for such lands as shall be within fifteen miles of such road, harbor, or stream: Provided, That such entries shall be taken in squares of sixteen or sixty-four hectares in conformity with the rules and regulations governing the public-land surveys of the said islands in plotting legal subdivisions.

Sec. 54. That any person or association of persons, severally qualified as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference right of entry under the preceding section of the mines so opened and improved.

Sec. 55. That all claims under the preceding section must be presented to the proper provincial secretary within sixty days after the date of actual possession and the commencement of improvements on the land by the filing of a declaratory statement therefor; and where the improvements shall have been made prior to the expiration of three months from the date of the passage of this act, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement; and no sale under the provisions of this act shall be allowed until the expiration of six months from the date of the passage of this act.

Sec. 56. That the three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons, any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such section shall enter or hold any other lands under their provisions, and all persons claiming under section fifty-eight shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

Sec. 57. That in case of conflicting claims upon coal lands where the improvements shall be commenced after the date of the passage of this act, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference right to purchase. And also where improvements have already been made prior to the passage of this act, division of the land claimed may be made by

legal subdivisions, which shall conform as nearly as practicable with the subdivisions of land provided for in this act, to include as near as may be the valuable improvements of the respective parties. The government of the Philippine Islands is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and preceding sections relating to mineral lands.

Sec. 58. That whenever it shall be made to appear to the secretary of any province or the commander of any military department in the Philippine Islands that any lands within the province are saline in character it shall be the duty of said provincial secretary or commander, under the regulations of the government of the Philippine Islands, to take testimony in reference to such lands, to ascertain their true character, and to report the same to the secretary of the interior for the Philippine Islands; and if, upon such testimony, the secretary of the interior shall find that such lands are saline and incapable of being purchased under any of the laws relative to the public domain, then and in such case said lands shall be offered for sale at the office of the provincial secretary or such other officer as by the said government may be described as mining recorder of the province or department in which the same shall be situated, as the case may be, under such regulations as may be prescribed by said government and sold to the highest bidder, for cash, at a price of not less than three dollars per hectare; and in case such lands fail to sell when so offered, then the same shall be subject to private sale at such office, for cash, at a price not less than three dollars per hectare, in the same manner as other lands in the said islands are sold. All executive proclamations relating to the sales of public saline lands shall be published in only two newspapers, one printed in the English language and one in the Spanish language, at Manila, which shall be designated by said secretary of the interior.

Sec. 59. That no act granting lands to provinces, districts, or municipalities to aid in the construction of roads, or for other public purposes, shall be so construed as to embrace mineral lands, which, in all cases, are reserved exclusively, unless otherwise specially provided in the act or acts making the grant.

Sec. 60. That nothing in this act shall be construed to affect the rights of any person, partnership, or corporation having a valid perfected mining concession granted prior to April eleventh, eighteen hundred and ninety-nine, but all such concessions shall be conducted under the provisions of the law in force at the time they were granted, subject at all times to cancellation by reason of illegality in the procedure by which they were obtained, or for failure to comply with the conditions prescribed as requisite to their retention in the laws under which they were granted: Provided, That the owner or owners of every such concession shall cause the corners made by its boundaries to be distinctly marked with permanent monuments within six months after this act has been promulgated in the Philippine Islands, and that any concessions the boundaries of which are not so marked within this period shall be free and open to explorations and purchase under the provisions of this act.

Sec. 61. That mining rights on public lands in the Philippine Islands shall, after the passage of this act, be acquired only in accordance with its provisions.

Sec. 62. That all proceedings for the cancellation of perfected Spanish concessions shall be conducted in the courts of the Philippine Islands having jurisdiction of the subject-matter and of the parties, unless the United States Philippine commission, or its successors, shall create special tribunals for the determination of such controversies.

AUTHORITY FOR THE PHILIPPINE ISLANDS GOVERNMENT TO PURCHASE LANDS OF RELIGIOUS ORDERS AND OTHERS AND ISSUE BONDS FOR PURCHASE PRICE.

Sec. 63. That the government of the Philippine Islands is hereby authorized, subject to the limitations and conditions prescribed in this act, to acquire, receive, hold, maintain and convey title to real and personal property, and may acquire real estate for public uses by the exercise of the right of eminent domain.

Sec. 64. That the powers hereinbefore conferred in section sixty-three may also be exercised in respect of any lands, easements, appurtenances and hereditaments which, on the thirteenth of August, eighteen hundred and ninety-eight, were owned or held by associations, corporations, communities, religious orders, or private individuals in such large tracts or parcels and in such manner as in the opinion of the commission injuriously to affect the peace and welfare of the people of the Philippine Islands. And for the purpose of providing funds to acquire the lands mentioned in this section said government of the Philippine Islands is hereby empowered to incur indebtedness, to borrow money, and to issue, and to sell at not less than par value, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands, upon such terms and conditions as it may deem best, registered or coupon bonds of said government for such amount as may be necessary, said bonds to be in denominations of fifty dollars or any multiple thereof, bearing interest at a rate not exceeding four and a half per centum per annum, payable quarterly, and to be payable at the pleasure of said government after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with interest thereon, in gold coin of the United States of the present standard value or the equivalent in value in money of said islands; and said bonds shall be exempt from the payment of all taxes or duties of said government, or any local authority therein, or of the government of the United States, as well as from taxation in any form by or under state, municipal, or local authority in the United States or the Philippine Islands. The moneys which may be realized or received from the issue and sale of said bonds shall be applied by the government of the Philippine Islands to the acquisition of the property authorized by this section, and to no other purposes.

Sec. 65. That all lands acquired by virtue of the preceding section shall constitute a part and portion of the public property of the government of the Philippine Islands, and may be held, sold and conveyed, or leased temporarily for a period not exceeding three years after their acquisition by said government on such

terms and conditions as it may prescribe, subject to the limitations and conditions provided for in this act: Provided, That all deferred payments and the interest thereon shall be payable in the money prescribed for the payment of principal and interest of the bonds authorized to be issued in payment of said lands by the preceding section and said deferred payments shall bear interest at the rate borne by the bonds. All moneys realized or received from sales or other disposition of said lands or by reason thereof shall constitute a trust fund for the payment of principal and interest of said bonds, and also constitute a sinking fund for the payment of said bonds at their maturity. Actual settlers and occupants at the time said lands are acquired by the government shall have the preference over all others to lease, purchase, or acquire their holdings within such reasonable time as may be determined by said government.

MUNICIPAL BONDS FOR PUBLIC IMPROVEMENTS.

Sec. 66. That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms and conditions as it may prescribe, with the consent and approval of the President and the Congress of the United States, may permit any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds in such amount and payable at such time as may be determined by the government of said islands, with interest thereon not to exceed five per centum per annum: Provided, That the entire indebtedness of any municipality under this section shall not exceed five per centum of the assessed valuation of the property in said municipality, and any obligation in excess of such limit shall be null and void.

Sec. 67. That all municipal bonds shall be in denominations of fifty dollars, or any multiple thereof, bearing interest at a rate not exceeding five per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the government of the Philippine Islands, after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with the interest thereon, in gold coin of the United States of the present standard value, or its equivalent in value in money of the said islands; and said bonds shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands, or any local authority therein, or the government of the United States.

Sec. 68. That all moneys which may be realized or received from the issue and sale of said bonds shall be utilized under authorization of the government of the Philippine Islands in providing the municipal improvements and betterment which induced the issue and sale of said bonds, and for no other purpose.

Sec. 69. That the government of the Philippine Islands shall, by the levy and collection of taxes on the municipality, its inhabitants and their property, or by other means, make adequate provision to meet

the obligation of the bonds of such municipality, and shall create a sinking fund sufficient to retire them and pay the interest thereon in accordance with the terms of issue: Provided, That if said bonds or any portion thereof shall be paid out of the funds of the government of said islands, such municipality shall reimburse said government for the sum thus paid, and said government is hereby empowered to collect said sum by the levy and collection of taxes on such municipality.

Sec. 70. That for the purpose of providing funds to construct sewers in the city of Manila and to furnish it with an adequate sewer and drainage system and supply of water the government of the Philippine Islands, with the approval of the President of the United States first had, is hereby authorized to permit the city of Manila to incur indebtedness, to borrow money and to issue and sell (at not less than par value in gold coin of the United States), upon such terms and conditions as it may deem best, registered or coupon bonds of the city of Manila to an amount not exceeding four million dollars lawful money of the United States, payable at such time or times as may be determined by said government, with interest thereon not to exceed five per centum per annum.

Sec. 71. That said coupon or registered bonds shall be in denominations of fifty dollars or any multiple thereof, bearing interest at a rate not exceeding five per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the government of the Philippine Islands, after dates named in said bonds not less than five nor more than thirty years from the date of their issue, together with the interest thereon in gold coin of the United States of the present standard value, or the equivalent in value in money of the said islands; and said bonds shall be exempt from the payment of all taxes or duties of the government of the said islands, or of any local authority therein, or of the government of the United States.

Sec. 72. That all moneys which may be realized or received from the issue and sale of said bonds shall be utilized under authorization of said government of the Philippine Islands in providing a suitable sewer and drainage system and adequate supply of water for the city of Manila and for no other purpose.

Sec. 73. That the government of the Philippine Islands shall, by the levy and collection of taxes on the city of Manila, its inhabitants and their property, or by other means, make adequate provision to meet the obligation of said bonds and shall create a sinking fund sufficient to retire them and pay the interest thereon in accordance with the terms of issue: Provided, That if said bonds or any portion thereof shall be paid out of the funds of the government of said islands, said city shall reimburse said government for the sum thus paid, and said government is hereby empowered to collect said sum by the levy and collection of taxes on said city.

FRANCHISES.

Sec. 74. That the government of the Philippine Islands may grant franchises, privileges and concessions, including the authority to exercise the right of eminent domain for the construction and operation of works of public utility and service, and may authorize said works to be construct-

ed and maintained over and across the public property of the United States, including streets, highways, squares and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said provinces or municipalities: Provided, That no private property shall be taken for any purpose under this section without just compensation paid or tendered therefor, and that such authority to take and occupy land shall not authorize the taking, use or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise, privilege, or concession shall be granted to any corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or rights of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and concessions under which they were granted or upon their revocation or repeal. That all franchises, privileges, or concessions granted under this act shall forbid the issue of stock or bonds except in exchange for actual cash, or for property at a fair valuation, equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the province or municipality within which such franchises are granted and exercised: Provided further, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons claimed or alleged to be held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, franchises and concessions for doing business in said islands, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not less than ten thousand dollars.

Sec. 75. That no corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it is created, and every corporation authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed one thousand and twenty-four hectares of land; and it shall be unlawful for any member of a corporation engaged in agriculture or mining and for any corporation organized for any purpose except irrigation to be in any wise interested in any other corporation engaged in agriculture or in mining. Corporations, however, may loan funds upon real estate security and purchase real estate when necessary for the collection of loans, but

they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in the Philippine Islands, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

COINAGE.

Sec. 76. That the government of the Philippine Islands is hereby authorized to establish a mint at the city of Manila, in said islands, for coinage purposes, and the coins hereinafter authorized may be coined at said mint. And the said government is hereby authorized to enact laws necessary for such establishment: Provided, That the laws of the United States relating to mints and coinage, so far as applicable, are hereby extended to the coinage of said islands.

Sec. 77. That the government of the Philippine Islands is authorized to coin, for use in said islands, a coin of the denomination of fifty centavos and of the weight of one hundred and ninety-two and nine-tenths grains, a coin of the denomination of twenty centavos and of the weight of seventy-seven and sixteen one-hundredths grains, and a coin of the denomination of ten centavos and of the weight of thirty-eight and fifty-eight one-hundredths grains, and the standard of said silver coins shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper.

Sec. 78. That the subsidiary silver coins authorized by the preceding section shall be coined under the authority of the government of the Philippine Islands in such amounts as it may determine, with the approval of the Secretary of War of the United States, from silver bullion purchased by said government, with the approval of the Secretary of War of the United States: Provided, That said government may in addition and in its discretion recoin the Spanish Filipino dollars and subsidiary silver coins issued under the authority of the Spanish government for use in said islands into the subsidiary coins provided for in the preceding section at such rate and under such regulations as it may prescribe, and the subsidiary silver coins authorized by this section shall be legal tender in said islands to the amount of ten dollars.

Sec. 79. That the government of the Philippine Islands is also authorized to issue minor coins of the denominations of one-half centavo, one centavo and five centavos, and such minor coins shall be legal tender in said islands for amounts not exceeding one dollar. The alloy of the five-centavo piece shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the one-centavo and one-half-centavo pieces shall be ninety-five per centum of copper and five per centum of tin and zinc, in such proportions as shall be determined by said government. The weight of the five-centavo piece shall be seventy-seven and sixteen-hundredths grains troy, and of the one-centavo piece eighty grains troy, and of the one-half-centavo piece forty grains troy.

Sec. 80. That for the purchase of metal for the subsidiary and minor coinage, authorized by the preceding sections, an appropriation may be made by the govern-

ment of the Philippine Islands from its current funds, which shall be reimbursed from the coinage under said sections; and the gain or seigniorage arising therefrom shall be paid into the treasury of said islands.

Sec. 81. That the subsidiary and minor coinage hereinbefore authorized may be coined at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the said government with the Secretary of the Treasury of the United States for their coinage at any of the mints of the United States, at a charge covering the reasonable cost of the work.

Sec. 82. That the subsidiary and minor coinage hereinbefore authorized shall bear devices and inscriptions to be prescribed by the government of the Philippine Islands and such devices and inscriptions shall express the sovereignty of the United States, that it is a coin of the Philippine Islands, the denomination of the coin, and the year of the coinage.

Sec. 83. That the government of the Philippine Islands shall have the power to make all necessary appropriations and all proper regulations for the redemption and reissue of worn or defective coins and for carrying out all other provisions of this act relating to coinage.

NAVIGATION LAWS.

Sec. 84. That the laws relating to entry, clearance and manifests of steamships and other vessels arriving from or going to foreign ports shall apply to voyages each way between the Philippine Islands and the United States and the possessions thereof, and all laws relating to the collection and protection of customs duties not inconsistent with the act of Congress of March eighth, nineteen hundred and two, "temporarily to provide revenue for the Philippine Islands," shall apply in the case of vessels and goods arriving from said islands in the United States and its aforesaid possessions.

The laws relating to seamen on foreign voyages shall apply to seamen on vessels going from the United States and its possessions aforesaid to said islands, the customs officers there being for this purpose substituted for consular officers in foreign ports.

The provisions of chapters six and seven, title forty-eight, Revised Statutes, so far as now in force, and any amendments thereof, shall apply to vessels making voyages either way between ports of the United States or its aforesaid possessions and ports in said islands; and the provisions of law relating to the public health and quarantine shall apply in the case of all vessels entering a port of the United States or its aforesaid possessions from said islands, where the customs officers at the port of departure shall perform the duties required by such law of consular officers in foreign ports.

Section three thousand and five, Revised Statutes, as amended, and other existing laws concerning the transit of merchandise through the United States, shall apply to merchandise arriving at any port of

the United States destined for any of its insular and continental possessions, or destined from any of them to foreign countries.

Nothing in this act shall be held to repeal or alter any part of the act of March eighth, nineteen hundred and two, aforesaid, or to apply to Guam, Tutuila, or Manua, except that section eight of an act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago," enacted by the Philippine commission on the seventeenth of September, nineteen hundred and one, and approved by an act entitled "An act temporarily to provide revenues for the Philippine Islands, and for other purposes," approved March eighth, nineteen hundred and two, is hereby amended so as to authorize the civil governor thereof in his discretion to establish the equivalent rates of the money in circulation in said islands with the money of the United States as often as once in ten days.

DEPOSITORIES OF PUBLIC MONEY.

Sec. 85. That the treasury of the Philippine Islands and such banking associations in said islands with a paid-up capital of not less than two million dollars and chartered by the United States or any state thereof as may be designated by the Secretary of War and the Secretary of the Treasury of the United States shall be depositories of public money of the United States, subject to the provisions of existing law governing such depositories in the United States: Provided, That the treasury of the government of said islands shall not be required to deposit bonds in the Treasury of the United States, or to give other specific securities for the safe-keeping of public money except as prescribed, in his discretion, by the Secretary of War.

Sec. 86. That all laws passed by the government of the Philippine Islands shall be reported to Congress, which hereby reserves the power and authority to annul the same, and the Philippine commission is hereby directed to make annual report of all its receipts and expenditures to the Secretary of War.

BUREAU OF INSULAR AFFAIRS.

Sec. 87. That the division of insular affairs of the War Department, organized by the Secretary of War, is hereby continued until otherwise provided, and shall hereafter be known as the bureau of insular affairs of the War Department. The business assigned to said bureau shall embrace all matters pertaining to civil government in the island possessions of the United States subject to the jurisdiction of the War Department; and the Secretary of War is hereby authorized to detail an officer of the army whom he may consider especially well qualified, to act under the authority of the Secretary of War as the chief of said bureau; and said officer while acting under said detail shall have the rank, pay and allowances of a colonel.

Sec. 88. That all acts and parts of acts inconsistent with this act are hereby repealed.

Approved, July 1, 1902.

THE AMNESTY PROCLAMATION OF JULY 4, 1902

By the President of the United States:

A PROCLAMATION.

Whereas many of the inhabitants of the Philippine Archipelago were in insurrection against the authority and sovereignty of the kingdom of Spain at divers times from August, 1806, until the cession of the archipelago by that kingdom to the United States of America, and since such cession many of the persons so engaged in insurrection have until recently resisted the authority and sovereignty of the United States; and

Whereas the insurrection against the authority and sovereignty of the United States is now at an end, and peace has been established in all parts of the archipelago except in the country inhabited by the Moro tribes, to which this proclamation does not apply; and

Whereas during the course of the insurrection against the kingdom of Spain and against the government of the United States, persons engaged therein, or those in sympathy with and abetting them, committed many acts in violation of the laws of civilized warfare; but it is believed that such acts were generally committed in ignorance of those laws, and under orders issued by the civil or military insurrectionary leaders; and

Whereas it is deemed to be wise and humane, in accordance with the beneficent purposes of the government of the United States toward the Filipino people, and conducive to peace, order and loyalty among them, that the doers of such acts who have not already suffered punishment shall not be held criminally responsible, but shall be relieved from punishment for participation in these insurrections and for unlawful acts committed during the course thereof by a general amnesty and pardon;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, by virtue of the power and authority vested in me by the Constitution, do hereby proclaim and declare, without reservation or condition, except as hereinafter provided, a full and complete pardon and amnesty to all persons in the Philippine Archipelago who have participated in the insurrections aforesaid, or who have given aid and comfort to persons participating in said insurrections, for the offenses of treason or sedition, and for all offenses political in their character committed in the course of such insurrections pursuant to orders issued by the civil or military insurrectionary authorities, or which grew out of internal political feuds or dissensions between Filipinos and Spaniards or the Spanish authorities, or which resulted from internal political feuds or dissensions among the Filipinos themselves during either of said insurrections:

Provided, however, that the pardon and amnesty hereby granted shall not include such persons committing crimes since May 1, 1902, in any province of the archipelago in which at the time civil government was established, nor shall it include such persons as have been heretofore finally convicted of the crimes of murder, rape, arson or robbery by any military or civil tribunal organized under the authority of Spain or

of the United States of America, but special application may be made to the proper authority for pardon by any person belonging to the exempted classes and such clemency as is consistent with humanity and justice will be liberally extended; and further

Provided, That this amnesty and pardon shall not affect the title or right of the government of the United States or that of the Philippine Islands to any property or property rights heretofore used or appropriated by the military or civil authorities of the government of the United States or that of the Philippine Islands organized under authority of the United States by way of confiscation or otherwise; and

Provided further, That every person who shall seek to avail himself of this proclamation shall take and subscribe the following oath before any authority in the Philippine Archipelago authorized to administer oaths, namely: "I, _____ solemnly swear (or affirm) that I recognize and accept the supreme authority of the United States of America in the Philippine Islands and will maintain true faith and allegiance thereto; that I impose upon myself this obligation voluntarily without mental reservation or purpose of evasion, so help me God."

Given under my hand at the city of Washington this fourth day of July, in the year of our Lord one thousand nine hundred and two, and in the one hundred and twenty-seventh year of the independence of the United States.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT,
Secretary of War.

SUPREMACY OF CIVIL GOVERNMENT.

General Chaffee is relieved of his civil duties, and the Philippine commission is made the superior authority in the following order:

"The insurrection against the sovereign authority of the United States in the Philippine Archipelago having ended, and provincial civil governments having been established throughout the entire territory of the archipelago not inhabited by Moro tribes, under the instructions of the President to the Philippine commission, dated April 7, 1900, now ratified and confirmed by the act of Congress approved July 1, 1902, entitled 'An act temporarily to provide for the administration of affairs of civil government in the Philippine Islands and for other purposes,' the general commanding the division of the Philippines is hereby relieved from the further performance of the duties of military governor, and the office of military governor in said archipelago is terminated. The general commanding the division of the Philippines and all military officers in authority therein will continue to observe the direction, contained in the aforesaid instructions of the President, that the military forces in the division of the Philippines shall be at all times subject, under the orders of the military commander, to the call of the civil authorities for the maintenance of law and order and the enforcement of their authority."

CONSTABULARY ACT

An act to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That officers of the army of the United States may be detailed for service as chief and assistant chiefs, the said assistant chiefs not to exceed in number four, of the Philippine constabulary, and that during the continuance of such details the officer serving as chief shall have the rank, pay and allowances of brigadier general, and the officers serving as assistant chiefs shall have the rank, pay and allowances of colonel: Provided, That the difference between the pay and allowances of brigadier general and colonel, as herein provided,

and the pay and allowances of the officers so detailed in the grades from which they are detailed shall be paid out of the Philippine treasury.

Sec. 2. That any companies of Philippine scouts ordered to assist the Philippine constabulary in the maintenance of order in the Philippine Islands may be placed under the command of officers serving as chief or assistant chiefs of the Philippine constabulary, as herein provided: Provided, That when the Philippine scouts shall be ordered to assist the Philippine constabulary, said scouts shall not at any time be placed under the command of inspectors or other officers of the constabulary below the grade of assistant chief of constabulary.

Approved, January 30, 1903.

CURRENCY AND COINAGE ACT

An act to establish a standard of value and to provide for a coinage system in the Philippine Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unit of value in the Philippine Islands shall be the gold peso consisting of twelve and nine-tenths grains of gold, ninety-ninths fine, said gold peso to become the unit of value when the government of the Philippine Islands shall have coined and ready for, or in, circulation not less than five million of the silver pesos hereinafter provided for in this act, and the gold coins of the United States at the rate of one dollar for two pesos hereinafter authorized to be coined shall be legal tender for all debts, public and private, in the Philippine Islands.

Sec. 2. That in addition to the coinage authorized for use in the Philippine Islands by the act of July first, nineteen hundred and two, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," the government of the Philippine Islands is authorized to coin to an amount not exceeding seventy-five million pesos, for use in said islands, a silver coin of the denomination of one peso and of the weight of four hundred and sixteen grains, and the standard of said silver coins shall be such that of one thousand parts, by weight, nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper.

Sec. 3. That the silver Philippine peso authorized by this act shall be legal tender in the Philippine Islands for all debts, public and private, unless otherwise specifically provided by contract: Provided, That debts contracted prior to the thirty-first day of December, nineteen hundred and three, may be paid in the legal tender currency of said islands existing at the time of making of said contracts, unless otherwise expressly provided by contract.

Sec. 4. That section seventy-seven of the act of July first, nineteen hundred and two, is hereby amended so that it shall read:

"Sec. 77. That the government of the Philippine Islands is authorized to coin

for use in said islands a coin of the denomination of fifty centavos and of the weight of two hundred and eight grains, a coin of the denomination of twenty centavos and of the weight of eighty-three and ten one-hundredths grains, and a coin of the denomination of ten centavos and of the weight of forty-one and fifty-five one-hundredths grains; and the standard of said silver coins shall be such that of one thousand parts, by weight, nine hundred shall be of pure metal and one hundred of alloy, and the alloy shall be of copper."

Sec. 5. That the Philippine peso herein authorized and the subsidiary silver coins authorized by section seventy-seven of the act of July first, nineteen hundred and two, as amended by the preceding section of this act, shall be coined under the authority of the government of the Philippine Islands in such amounts as it may determine, with the approval of the Secretary of War of the United States, except as limited in section two of this act, from silver bullion purchased by said government, with the approval of the Secretary of War of the United States: Provided, That said government may, in its discretion, in lieu of the purchase of bullion, receive any of the silver coins now in or hereafter received by the treasury of the government of the Philippine Islands into the coins provided for in this act or in the act of July first, nineteen hundred and two, as herein amended, at such rate and under such regulations as it may prescribe; and the subsidiary silver coins authorized by this act and by the act of July first, nineteen hundred and two, shall be legal tender in said islands to the amount of ten dollars.

Sec. 6. That the coinage authorized by this act shall be subject to the conditions and limitations of the provisions of the act of July first, nineteen hundred and two, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," except as herein otherwise provided; and the government of the Philippine Islands may adopt such measures as it may deem proper, not inconsistent with said act of July first, nineteen hundred and two, to maintain the value of the silver Philippine peso at the rate of

one gold peso, and in order to maintain such parity between said silver Philippine pesos and the gold pesos herein provided for, and for no other purpose, may issue temporary certificates of indebtedness, bearing interest at a rate not to exceed four per centum annually, payable at periods of three months or more, but not later than one year from the date of issue, which shall be in the denominations of twenty-five dollars, or fifty pesos, or some multiple of such sum, and shall be redeemable in gold coin of the United States, or in lawful money of said islands, according to the terms of issue prescribed by the government of said islands; but the amount of such certificates outstanding at any one time shall not exceed ten million dollars, or twenty million pesos, and said certificates shall be exempt from the payment of all taxes or duties of the government of the Philippine Islands, or any local authority therein, or of the government of the United States, as well as from taxation in any form by or under any state, municipal, or local authority in the United States or the Philippine Islands: Provided, That all the proceeds of said certificates shall be used exclusively for the maintenance of said parity as herein provided, and for no other purpose, except that a sum not exceeding three million dollars at any one time may be used as a continuing credit for the purchase of silver bullion in execution of the provisions of this act.

Sec. 7. That the Mexican silver dollar now in use in the Philippine Islands and the silver coins heretofore issued by the Spanish government for use in said islands shall be receivable for public dues at a rate to be fixed from time to time by the proclamation of the civil governor of said islands until such date, not earlier than the first day of January, nineteen hundred and four, as may be fixed by public proclamation of said civil governor, when such coins shall cease to be so receivable: Provided, That the public offices of the government of said islands shall give a preference for all public dues to the silver pesos and the silver certificates authorized by this act, and may at any time refuse to receive such Mexican dollars and Spanish coins as may appear to be counterfeit or defective.

Sec. 8. That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive deposits of the standard silver coins of one peso authorized by this act to be coined, at the treasury of the government of said islands, or any of its branches, in sums of not less than

twenty pesos, and to issue silver certificates therefor in denominations of not less than two nor more than ten pesos, and coin so deposited shall be retained in the treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes and for all public dues in the Philippine Islands, and when so received may be reissued, and when held by any banking association in said islands may be counted as a part of its lawful reserve.

Sec. 9. That for the purchase of metal for the silver Philippine peso authorized by this act, an appropriation may be made by the government of the Philippine Islands from its current funds, or as hereinbefore authorized, which shall be reimbursed from the coinage under said sections.

Sec. 10. That the silver Philippine pesos hereinbefore authorized may be coined at the mint of the government of the Philippine Islands at Manila, or arrangements may be made by the said government with the Secretary of the Treasury of the United States for their coinage or any portion thereof at any of the mints of the United States, at a charge covering the reasonable cost of the work.

Sec. 11. That the silver Philippine peso hereinbefore authorized shall bear devices and inscriptions to be prescribed by the government of the Philippine Islands, and such devices in inscriptions shall express the sovereignty of the United States, that it is a coin of the Philippine Islands, the denomination of the coin, and the year of the coinage.

Sec. 12. That the Secretary of the Treasury is hereby authorized and directed, when requested by the government of the Philippine Islands, to cause to be made and prepared any drawings, designs, and plates, and execute any coinage, engraving, or printing of notes and certificates authorized by this act, and to make a proper charge for the same, covering as nearly as may be the actual cost, which shall be defrayed from the revenues of said islands.

Sec. 13. That section seventy-eight of the act of July first, nineteen hundred and two, and all acts and parts of acts inconsistent with the provisions of this act, and all provisions of law in force in the Philippine Islands making any form of money legal tender after December thirty-first, nineteen hundred and three, except as provided in this act, are hereby repealed.

Approved, March 2, 1903.

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